Saskatchewan Children's Advocate

2008 Annual Report

The Saskatchewan Children's Advocate Office

Advocating with children, youth and their natural advocates to ensure that the interests and well-being of children and youth are respected and valued.

The Saskatchewan Children's Advocate Office

Children's Advocate

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SASKATCHEWAN

April 2004

The Honourable P. Myron Kowalsky
Speaker of the Legislative Assembly
Legislative Building
Province of Saskatchewan
Regina, Saskatchewan

Dear Mr. Speaker:

In accordance with *The Ombudsman and Children's Advocate Act*, it is my privilege to submit to you and to the Members of the Legislative Assembly my ninth Annual Report as Children's Advocate.

Respectfully,

D Parker-Loewen

Deborah Parker-Loewen, PhD
Children's Advocate

The Saskatchewan
Children's ADVOCATE
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The Children's Advocate is an independent officer of the Legislative Assembly of Saskatchewan and acts pursuant to *The Ombudsman and Children's Advocate Act.*

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Cover photo and other unidentified photos found throughout this report were purchased through an internet photo service.

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Executive Summary

This Annual Report provides an overview of the work undertaken by the Children's Advocate Office (CAO) in 2003. In addition, this report highlights issues that impact on Saskatchewan children.

Public Education

During 2003, the new CAO website received 101,948 hits; an average of 279 per day. The site received 3328 visits and has had 1193 unique visitors. In addition in 2003, the CAO produced several new resources. During our annual mailout, the CAO distributed approximately 30,000 informational items. Other resources were distributed during the year through individual mailouts, presentations and displays.

In light of many changes that have occured over the past few years, the Children's Advocate decided to meet with regional staff of the departments of Community Resources and Employment (DCRE) and Corrections and Public Safety (CPS) to review the services offered by the CAO, discuss other CAO projects and activities and more importantly, to hear first-hand any questions, issues, concerns or suggestions for ways to advance the services offered by the CAO. In 2003, we visited 30 offices/facilities in 18 communities and met with approximately 250 staff.

A major initiative for the Provincial Youth Delegation (PYD) during the year 2003 was the release of the report, *Blueprints for Change: Building Partnership-Based Education*. Youth were surveyed from across the province to find out their opinions on the current secondary-education system. The report's 15 recommendations call on government, community leaders and the private sector to engage youth and enhance the high-school education system in Saskatchewan.

Individual and Group Advocacy

The number of requests for service that the CAO responded to has remained stable over the last few years. During 2003, the CAO received 1069 new requests for service. As in previous years, the majority of concerns raised with the CAO focused on the DCRE, totalling 39 percent of all calls. Calls concerning the Department of Justice were the next largest group, representing 15 percent of calls. The greatest change in calls concerned young offenders. These calls dropped from 15 percent in 2002 to nine percent in 2003. Parents continue to be the largest contact group, representing 50 percent of all calls. Calls from children/youth represented 18 percent of the total requests for service in 2003.

Investigations

In July 2003, the CAO concluded its role in the review of the examination of services provided to "Baby Andy," and his family. The CAO's role in the review was to independently determine the facts in the case. The CAO presented the facts and findings of this review to a panel of representatives from the DCRE and the First Nation Child and Family Agency (FNCFS). In addition, the Children's Advocate participated as an observer while the panel analyzed the findings and developed the recommendations. In July 2003, the panel released their report and made recommendations in six areas affecting children in care. The CAO publicly supported the recommendations that were presented to the department and the agency for their consideration.

In December 2003, the CAO released the second summary report: *A Summary of Child Deaths for the Year 1999*. The report detailed significant practice issues and made 33 recommendations in 12 areas that, when implemented, will improve services provided to children. The over-riding message of the report focused on implementing changes to the way in which child deaths are reviewed. The CAO recommended "that government develop a model to ensure all child deaths are reviewed by 'an educated eye' and that this model begin to be implemented by January 1, 2005."

Systemic Advocacy

The CAO actively identifies specific systemic issues impacting on children and youth. An update on nine issues previously identified in the 2002 Annual Report is provided in this report.

Youth Justice

On April 1, 2003 the *Youth Criminal Justice Act* (YCJA) came into effect in Canada. Initial data provided by Corrections and Public Safety (CPS) indicates that "custody counts have been declining for the past five years and have decreased significantly since implementation of the YCJA. The average daily count of youth in custody for the 2002/03 fiscal year was 330. The average daily count during 2003/04 was 261." (CPS, April 2, 2004)

The need for standards of care in residential custody facilities has been an issue raised by the CAO with government since 1995. The CAO has advocated that government develop standards of care, which clearly outline basic standards or a minimum level of service or treatment for youth in custody facilities. In October 2003, we were advised by CPS that a new policy manual, including minimum standards for the care and treatment of youth, was completed. The CAO is satisfied that these new policies, combined with the implementation of a quality assurance process, are consistent with the desired outcome we identified in our 2002 Annual Report. We have been advised by CPS that these policies will be finalized and implemented fully in 2004. Given this progress, our work on this systemic advocacy file has been concluded as resolved.

Children in Care

The CAO has repeatedly called on government to increase measures to ensure that children in the care of government are safe and receiving the quality services to which they are entitled. As of March 31, 2003, there were 3309 children in care of the Minister of Social Services under *The Child and Family Services Act* and a further 1082 children in care of the Minister and receiving services from FNCFS agencies (Indian and Northern Affairs, 2003), bringing the total number of children in care in Saskatchewan to 4391. The need for quality care for those children who are "in care" is clearly recognized and needs to be fully realized.

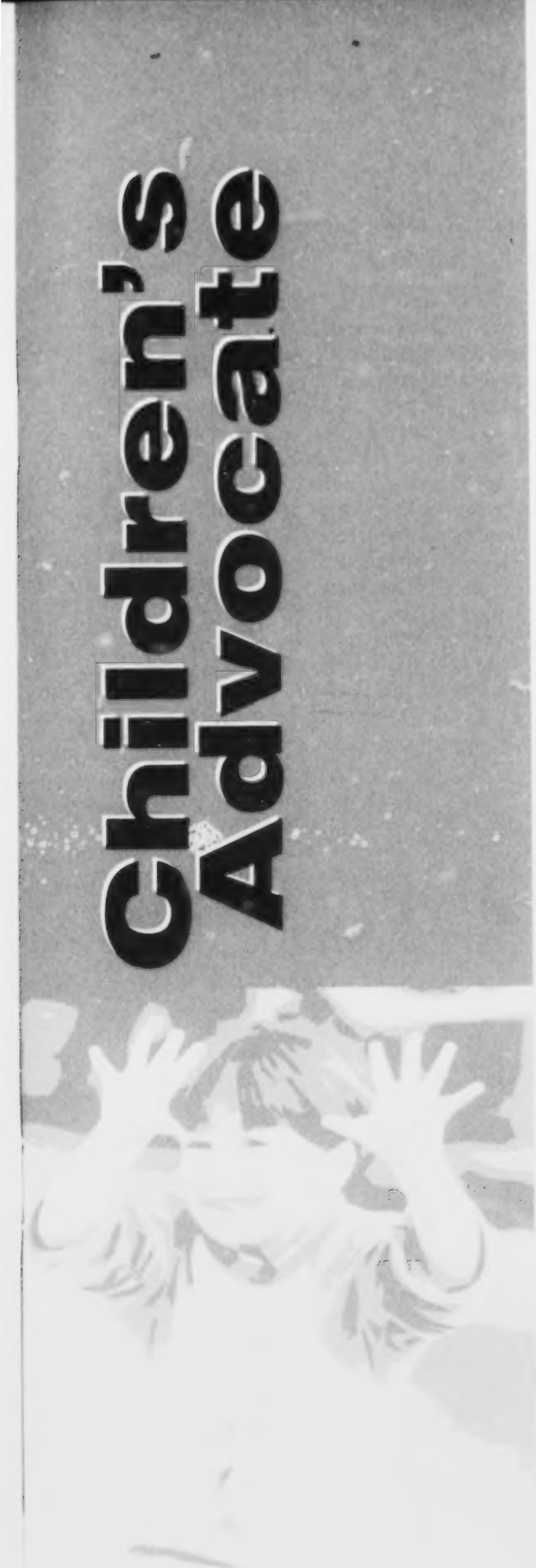
Community Advocacy

The CAO is committed to staying informed and, where appropriate, raising awareness of issues affecting children. In 2003, these issues included:

- Fetal Alcohol Spectrum Disorder
- Section 43 of the Criminal Code of Canada
- Measuring Child Well-Being

Children's Advocate offices are one of the measures that have emerged to ensure that young people's rights are respected, and that their voices are heard. While the specific duties and functions of Children's Advocates vary across Canada, the impact that Advocates can have in the lives of young people in care is consistent. Whether acting as listeners and support people, investigators, mediators, monitors, or trouble-shooters, Advocates emphasize and strengthen the voice of young people. As protectors of children's voices and rights, Advocates are, in a sense, the safeguard of safeguards. Advocates play a critical role in ensuring that young people in care have meaningful access to their rights.

(Geigen-Miller, M., 2003)



From the Children's Advocate

The main aim of an independent human rights institution for children, such as our Saskatchewan Children's Advocate Office, is to monitor, promote and protect the human rights of children. We have been doing this now for nine years and believe that we have successfully translated this aim into action. The United Nations Committee on the Rights of the Child recommended, in October 2003, that Canada establish an Office such as ours in every Canadian province and territory as well as at the Federal level.

The functions of an independent Office are frequently not clearly understood. While there is considerable rhetoric about the need for increased sensitivity to the interests and well-being of children, there remains a need to bridge the gap between rhetoric and reality (UNICEF Innocenti Digest, 2001). A Children's Advocate Office is expected to hold government and community agencies accountable for the obligations and commitments they have made to children. We believe that we do this in a number of ways:

1. Influencing decision-makers, policy-makers and practioners to take greater account of the interests, well-being and rights of children.
   - For example, in this 2003 report we highlight our findings and recommendations to improve services and programs to protect children.

2. Promoting respect for the views of children.
   - In 2003 we supported the Provincial Youth Delegation in their survey of high school students' experiences in the school system and the release of their report *Blueprints for Change*.
   - The right of children to be heard is a procedural right that is fundamental to our work and we work hard to apply this to matters that affect individual children or youth.

3. Raising awareness of child rights among children and adults.
   - Increasing understanding of and respect for children and children's rights remains a high priority of this Office.

In October 2003, the United Nations Committee on the Rights of the Child (34th Session) made its concluding observations about Canada. A full copy of the Committee's observations can be obtained at www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.15.Add.215.En?OpenDocument. The following observations were noted:

"14. The Committee notes that eight Canadian Provinces have an Ombudsman for Children but is concerned that not all of them are adequately empowered to exercise their tasks as fully independent national human rights institutions in accordance with the Paris Principles[1]. Furthermore, the Committee regrets that such an institution at the Federal level has not been established.

15. The Committee recommends that the State party establish at the Federal level an Ombudsman's Office responsible for children's rights, and ensure appropriate funding for its effective functioning. It recommends that such offices are established in the provinces that have not done so, and in the three territories where a high proportion of vulnerable children live. In this respect the Committee recommends that the State party take fully into account the Paris Principles and the Committee's General Comment No. 2 on the Role of National Human Rights Institutions."

(Committee on the Rights of the Child, October 2003)
Note 1: The complete list of the Paris Principles can be retrieved from www.unhchr.ch/html/menu6/2/fs19.htm#annex.

- We produce and distribute a significant amount of information each year, and in 2003 the introduction of our new website enhanced our ability to raise awareness of children's rights in Saskatchewan.
- We continue to provide training for government employees, community members and children themselves on child rights and advocacy.
- We also host a number of events each year to increase awareness of specific children's rights issues. In 2003, for example, we hosted, with the Faculty of Social Work University of Regina and the Faculty of Law University of Saskatchewan, a one-day symposium on the use of corporal punishment with children. Events such as this, while certainly controversial, also invite dialogue about real issues impacting on our children.

4. Ensuring that children have an effective means of redress when their rights are violated.
   - As noted by UNICEF (2001), "children must have access to mechanisms for challenging violations of their rights. One of the most important functions of a human rights institution for children must be to ensure that such access exists." In Saskatchewan, any child can call the CAO and we will take their concerns seriously. We review the individual complaints of children or adults acting on behalf of children and work with government to resolve these complaints. From time to time we investigate these complaints and make recommendations as appropriate.

My staff and I are sincerely committed to actively and effectively promoting the interests and well-being of children in Saskatchewan. We know that there are barriers to this work; we know that our work is not always welcomed or appreciated, especially when what we have to say is challenging or critical. We want to work as cooperatively as possible, using our close links to those providing supports and services to children to ensure that what we have to say capitalizes on the wealth of experience and knowledge we have in Saskatchewan. At the same time, we must be and are prepared to address the real impacts that failing to protect children's rights have on the children we all know and care about.

D Parker-Loewen

Deborah Parker-Loewen
Children's Advocate
Province of Saskatchewan

Public Education

The Children's Advocate Office conducts public education to raise the profile of the rights of all children in Saskatchewan. The Office strives to develop and enhance a sense of individual and community responsibility for protecting and promoting children's rights.

2003 Highlights

Public Education

In 2003, CAO staff made approximately 100 presentations about the role of the CAO and issues relating to the interests and well-being of children. Below are some of the highlights from the presentations and meetings that were held in 2002.

Youth Engagement

In March 2003, the CAO was asked to participate in the conference Head, Heart, Feet 2003, hosted by the Centre of Excellence for Youth Engagement in Cornwall, Ontario. Three youth from the Provincial Youth Delegation participated in the event. The conference was attended by approximately 200 youth and adults from all over Canada. It was a great experience and wonderful ideas and thoughts were exchanged on youth participation.

CDR and Advocacy Training

In 2003, the CAO provided public education training to First Nations Child and Family Service (FNCFS) agencies regarding the CAO Child Death Review (CDR) process. Five FNCFS agencies participated in the sessions, which incorporate examples of advocacy cases and the process used to address them, including advocacy skill-building exercises. The balance of the presentation focuses on CDRs utilizing the CAO Child Death Reviews Policy and Procedures Manual. The training provides background on the investigative process, including standards of conduct, principles of administrative and procedural fairness, and interviewing techniques. Special CDR training sessions to note during 2003 included a presentation at the Four Directions Child & Family Services Inc. National Therapeutic Care Conference, *Rethinking Developmental Approaches to First Nations Child & Family Services*, November 2003, and to the newly established Newfoundland and Labrador, Office of the Child & Youth Advocate.

Where Social Justice meets Criminal Justice

In March 2003, the John Howard Society of Canada invited two representatives from the CAO to participate in a national conference in Mississauga Ontario regarding the introduction of the *Youth Criminal Justice Act*. Two CAO advocates attended the conference and assisted in facilitating discussion on a module titled Social Justice and Child Welfare. The worshop was co-presented by Judy Finlay, the Ontario Child Advocate, representatives from the National Youth in Care Network and Richard Rothenberger, Saskatchewan Youth in Care and Custody Network.

In addition, Saskatchewan advocates were representatives on a panel discusson on the role of coroner's inquests as a tool for social justice. The workshop focused on the inquest process and how it can be a useful tool for organizations seeking change to the systems that impact the lives of children and youth. The workshop was well attended and provided a great deal of information and feedback.

Blueprints for Change

Left: Devin O'Neal, Chairperson of the Provincial Youth Delegation, presenting the report *Blueprints for Change* at a media conference in the Saskatchewan Legislative Building, November 19, 2003.

Right: Members of the Provincial Youth Delegation, from L-R, Jessica McFarlane, Amanda Doucette (Provincial Coordinator), Devin O'Neal, Candis Clarke and Jon Kohli.

Youth Recognition

The CAO was honored to nominate a young local woman, Sarah Ninnie, for the International Reebok Human Rights Award Program and the Women of the Dawn First Nations Award Ceremony (WDFNAC). Sarah was the successful candidate in the Community Work and Involvement category, for the WDFNAC. Sarah was a founding member of the PYD. She is an extremely motivated and gifted woman who has shown a tireless effort through her human rights-based work involving sexually exploited children. Her commitment to human rights is inspirational.

Learning About Rights

The annual meeting of the PYD was held in Watrous in August 2003. The focus of the meeting was exploring ways to learn about rights in a fun and interactive ways. CAO staff and members of the PYD participated in various rights education activities over the two-day meeting. The activities were then ranked according to their age appropriateness, skill and over-all entertainment. The results from the meeting are being combined with other focus group results to develop an interactive rights workshop aimed at children/youth from grades five to seven. The CAO plans to launch the rights workshops during 2004. Our hope is that those who participate will learn while having fun.

Empowering Northern Youth

In April 2003, the CAO was a presenter/facilitator at the Northern Human Services Partnership Youth Sub-Committee - Youth Leadership Conference. The conference brought together youth from four northern communities as part of an initiative to create and foster opportunities for northern youth to develop and organize community initiatives. Youth had the opportunity to hear First Nations and Aboriginal role models speak on motivation, career paths, youth rights and personal business development. As well, youth organized themselves around the development and implementation of various initiatives within their communities. The CAO was honored to have the opportunity to engage youth around their rights and to co-facilitate youth groups in their work on community initiatives.

In addition, the CAO was pleased to once again participate in the South Bay Youth Camp and the Federation of Saskatchewan Indian Nations - Alter-Natives to Non-Violence Camp at Blue Mountain Outdoor Adventure Centre, both held in August 2003. The Youth Camp exposes youth to a variety of careers, workshops and activities focusing around health, justice, child and youth rights, as well as traditional arts and crafts. The Alter-Natives to Non-Violence Camp brings together youth at risk and focuses on issues facing youth particularly as they relate to youth exposure to, and involvement in gangs.

Saskatchewan Youth in Care and Custody Network (SYICCN)

The CAO continues to actively support the work of the SYICCN. New networks were formed this year bringing the number of local networks operating in Saskatchewan to eight. Several more networks are also in the development stage. The commitment from the youth involved in the network, the adult support, and the commitment from the DCRE, CPS and the Saskatchewan Foster Families Association, have contributed to 2003 being one of the most successful years for the network. The CAO was privileged to participate in two events with the SYICCN.

Massive Miscommunication

In May 2003, the network hosted a provincial conference, *Massive Miscommunication*, for youth in or from care and custody. Over 50 youth and 20 adult support persons were able to participate in workshops, exchange and share ideas and have fun throughout the weekend at the Echo Valley Conference Centre. The weekend demonstrated how important the voice and participation of youth is in our everyday lives and professions.

Section 56 Consultation

Section 56 agreements are agreements signed between a young person who is a permanent ward of the province and the DCRE. The agreements extend support to the young person until the age of 21 in order for them to continue their education. The CAO, DCRE and SYICCN partnered in this first-ever consultation with youth who are on section 56 agreements. The goal of the consultation was to listen and hear what these youth had to say about their experiences in care and develop recommendations to improve the section 56 program. Twelve of the 187 youth on section 56 agreements in Saskatchewan participated in the consultation. Each youth talked about their experiences, both positive and negative, in care under a 56 agreement. Their experiences demonstrated that there is no consistency from one region to the other in providing services to youth. Senior officials from Family Services, Housing and Employment/Training attended the consultation and were presented with the thoughts and recommendations from the youth.

A draft report has been developed and a final report will be presented to Government early in 2004. Those involved with the project are also looking into ways to get additional feedback from those youth unable to attend the consultation. Overall, the experience was incredibly worthwhile to all those who participated and there are plans to host similar consultations in the up-coming year. The consultation reinforced the importance of listening to these youth and beginning to understand what they face on a day-to-day basis.

Raising Awareness

In December 2002, the CAO launched a new website to provide quick and easy access to information about programs and services available from the CAO. The website is divided into two distinct sides – one designed to appeal to children and youth, and the other to a general audience. Response to the site during 2003 has been very positive. During 2003 the CAO received 101,948 hits to the website, an average of 279 per day. The site received 3328 visits and has had 1193 unique visitors. We plan to enhance the child/youth side of the site.

In 2003, the CAO also produced several new resources to increase understanding of advocacy and issues affecting children. During our February 2003 annual mailout, the CAO distributed approximately 30,000 informational items. Other resources were distributed during the year through individual mailouts, presentations and displays.

Regional Visits

One of the first tasks of the Children's Advocate, when first appointed in 1995, was to visit each regional office of the Department of Community Resources and Employment (DCRE, then Social Services). The purpose of the visits was to inform staff of the authority, mandate and goals of the newly formed office. During these meetings, there was hesitation and anxiety about what an office such as the CAO would do.

Much has changed since these initial visits, both for the CAO and for the new departments of DCRE and Corrections and Public Safety (CPS). In light of these changes, the Children's Advocate decided to meet with regional staff to review the services offered by the CAO, discuss other CAO projects and activities and more importantly, to hear first-hand any questions, issues, concerns or suggestions for ways to advance the services offered by the CAO. Therefore, beginning in the spring of 2003, the Children's Advocate, along with CAO staff, began visiting each DCRE and CPS regional office and government-operated facilities and group homes in Saskatchewan. To date, we have visited 30 offices/facilities in 18 Saskatchewan communities and met with approximately 250 staff.

The feedback from the meetings has been very positive. Much of the initial hesitation about our Office seems to no longer exist. Staff identified many positive ways the CAO, DCRE and CPS can collectively improve services for Saskatchewan children. They asked excellent questions about the Office and the status of past and upcoming CAO projects. Although issues are raised between the CAO and DCRE and CPS, the CAO heard that there is an overall acceptance of our role and an understanding about how the Office operates.

Provincial Youth Delegation (PYD)

Blueprints for Change

The PYD is a province-wide advisory body of youth (16 to 21 years of age). Members do their best to represent their peers from across the province as they make recommendations to government on youth-related issues.

A major initiative for the PYD during the year 2003 was the release of the report, *Blueprints for Change: Building Partnership-Based Education*. This report encompassed the work of the PYD over the last two years. Youth were surveyed from across the province to find out their opinions on the current secondary-education system. The 28-page report, written and designed entirely by youth, includes comments from over 250 youth and a showcase of amazing youth artwork and poetry from around the province.

The report's 15 recommendations call on government, community leaders and the private sector to engage youth and enhance the high-school education system in Saskatchewan. The recommendations can be broken down into five key areas: supports; extra-curricular activities; respect; school board involvement; and school environment (safety, discrimination and communication). There ares three key messages:

- Youth in Saskatchewan need a venue for expressing their opinions on any topic of interest to them.
- The government, community leaders and the private sector need to pay attention to what youth are saying.
- MEANINGFUL change can only happen if youth and adults work together to create that change.

There is currently a clear gap between youth and adults. Sometimes this gap is attributed to age, culture, experience, etc. Yet these gaps can be overcome by building relationships between youth and adults. Ignorance is sometimes the cause of misconceptions and stereotypes. Building relationships would facilitate better communication and further understanding between youth and adults..."youth want trust and respect"; however, that trust and respect can only be earned through opportunities to interact with adults and decision-makers. It is important to appreciate youth for what they have to offer—spontaneity, ingenuity and fresh ideas. Trust and respect is a two-way street that can be achieved through a cooperative effort. This is especially important for marginalized youth.

(Dominguez, M. Fielding, V. & Perreault, M., September 2001)

Blueprints for Change was released to a large audience at the Saskatchewan Legislature on November 19, 2003; the eve of National Child Day, a day to celebrate the positive achievements and contributions of children and youth. The PYD also hosted an art show at the Legislature, which featured the art submitted by youth for the report.

The PYD was overwhelmed by the support of the private sector, community agencies, government and the media. Representing government at the release was Hon. Joanne Crofford (at the time the Minister of Culture, Youth and Recreation) and the Hon. Judy Junor (former Minister of Learning) who accepted the report on behalf of the government and acknowledged that the government will provide a prompt response to the document.

In addition, the PYD had the opportunity to do a special presentation on *Blueprints for Change* to representatives of Saskatchewan Learning in November 2003. Saskatchewan Learning's response has been extremely positive and they have indicated to the CAO that they are reviewing the recommendations and will be responding in due course. If you would like a copy of the above report, feel free to download a copy from the CAO website: www.saskcao.ca. Also, if you would like the PYD to come and talk to your organization about the report, give us a call!

Promoting Youth Engagement

The PYD was busy in 2003 promoting youth engagement at conferences around the province and also around the country.

- Three PYD members had the opportunity to participate in the "Head, Heart and Feet Conference" in Cornwall, Ontario; organized by the Centre of Excellence for Youth Engagement.
- Amanda Doucette, the PYD Youth Coordinator, was a keynote presenter at the "Valuing our Future Conference" in Regina in May.
- Several PYD members participated in the "School^{PLUS} 'Juice' Day" in Saskatoon, in May 2003.

"Education is a community responsibility. *Blueprints for Change* is a case study in youth engagement. We created one sample of a model to tackle the gap of youth/adult separation, and combined these interests into a common voice. We could have chosen any topic, but we chose education because of the recent creation of the School^{PLUS} Model of more community-based education and because youth wanted to tell us about their experiences."

(Devin O'Neal, PYD Chair)

Future Initiatives

The CAO is exploring new ways to engage Saskatchewan youth in the work of the office. A second Youth Coordinator will be hired in May 2004 to begin work on a project that will seek out the voices of Saskatchewan youth to advise the CAO on various issues. If you are between the ages of 16 and 21 and would like more information on ways to be involved with the CAO, please contact the office or visit our website.

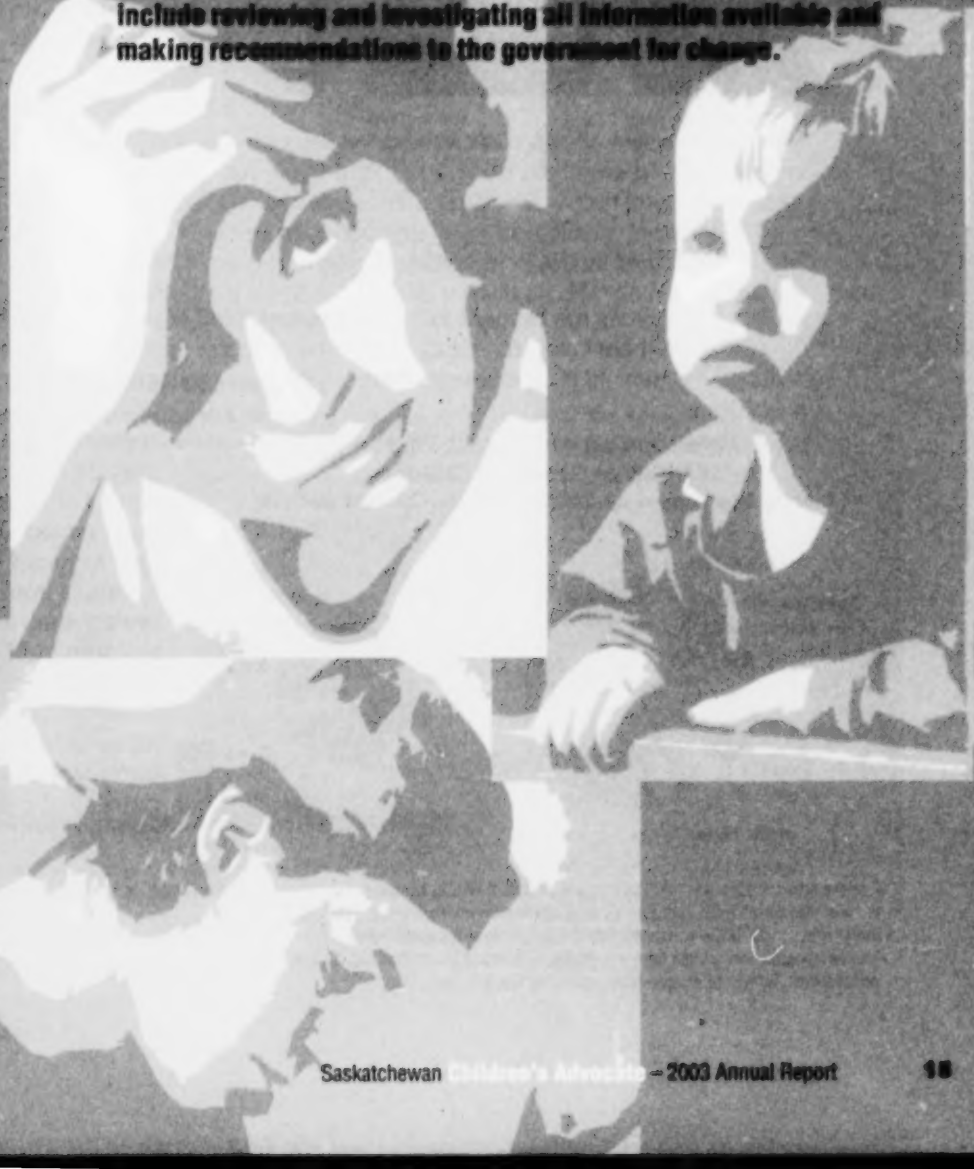
Blueprints for Change – Recommendations

1. **SUPPORT! SUPPORT! SUPPORT! Don't forget about those students not excelling academically – don't let them fall through the cracks! These students need more support systems in place to make sure that they can graduate successfully.**
2. **Develop more recreational sports leagues in schools that do not require youth to "make the cut" – put the focus on having fun and building team morale as opposed to winning!**
3. **Businesses need to create unique vocational and educational opportunities for students to provide them with applicable skills for the workplace (i.e., mentorship, job shadowing, entrepreneurship).**
4. **Equal opportunities for schools! (Even if that means sharing resources between schools)**
   a. **Increase availability of guidance counsellors and addictions services with attention given to equal gender representation**
5. **Schools need to utilize community resources, including businesses, to increase the variety of available course options and extra-curricular activities for students.**
6. **Increase post-secondary education preparation**
   a. **Give support to students not excelling academically**
   b. **Provide students with ALL their post-secondary options because not everyone wants to go to university!**
7. **Provide problem resolution training to students to alleviate the added stress on teachers.**
8. **Consult youth in matters that affect them! (i.e., a student advisory council could be set up when a new school is being built).**
9. **Create a body independent of the school system where students can voice their concerns**
   a. **students need a clear, accessible and anonymous process to raise issues free from retaliation.**
10. **Increase awareness within schools of the role of the school board**
    a. **More interaction between trustees and students**
    b. **Mutual communication between SRC's and school boards**
11. **Amend the Education Act to:**
    a. **Include a youth representative on the board and/or**
    b. **Create a youth advisory body to which the board is accountable**
12. **Schools need to put more emphasis on multiculturalism (i.e.) host anti-racism events or have cultural fairs!**
13. **Ensure that students enter high school with greater cultural sensitivity/experience**
    a. **Put emphasis on multicultural programming at the elementary level**
    b. **Introduce Native Studies classes into the elementary curriculum**
14. **Implement school/teacher evaluations by students. The issues raised by the students should be carefully considered by the school (i.e., create a youth/adult advisory council for your school to help deal with the issues raised)**
15. **That the CAO bring forward the recommendations contained in this report to the appropriate provincial government departments or agencies.**

Individual & Group Advocacy

The Children's Advocate Office has the authority to receive and review any matter related to government services affecting a child or a group of children. Individual and group advocacy services include:

- **Assisting people to become effective self-advocates by providing information, strategies, appropriate contacts and options.**
- **Assisting young people who are receiving government services to express their viewpoint and have it considered when decisions are being made that affect them.**
- **Working to ensure that all children, especially vulnerable children, are treated in accordance with existing government practice, policy and legislation.**
- **Taking further action when a matter affecting a child or group of children is not resolved or if policy concerns remain. This may include reviewing and investigating all information available and making recommendations to the government for change.**



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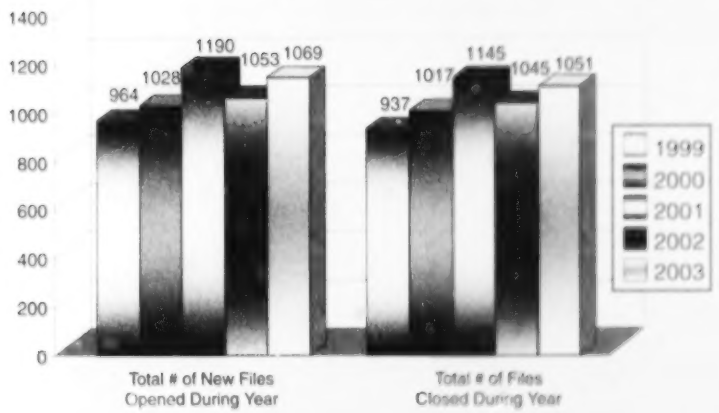
- **Assisting young people who are receiving government services to express their viewpoint and have it considered when decisions are being made that affect them.**
- **Working to ensure that all children, especially vulnerable children, are treated in accordance with existing government practice, policy and legislation.**
- **Taking further action when a matter affecting a child or group of children is not resolved or if policy concerns remain. This may include reviewing and investigating all information available and making recommendations to the government for change.**

Individual and Group Advocacy

Assistance Provided

Concerns Raised with Children's Advocate Office
January 1, 1999 to December 31, 2003

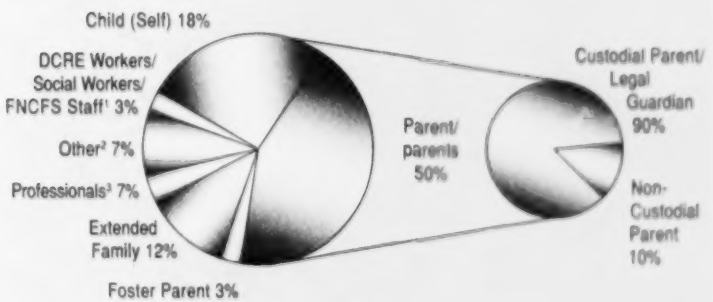


During our nine-year history, the CAO has opened approximately 6500 individual advocacy files. The number of requests for service that the CAO responded to has stabilized over the last few years. During 2003, the CAO received 1069 new requests for service. This represents an average of 89 new calls per month.

Who is Calling?

Issues are brought to the attention of the CAO by children/youth as well as others involved in their lives. The range of individuals contacting the CAO has remained relatively consistent. Parents requesting service on behalf of their child or youth are the largest contact group, representing 50 percent of all calls. Children/youth contacting the CAO represented 18 percent of the total requests for service in 2003. Contacts from those with a professional relationship with a child, including social workers and FNCFS agency staff, totalled three percent. Requests for service from foster parents represent three percent of calls received by the CAO.

Relationship of Contact Person to Child or Group of Children
Closed Files – January 1, 2002 to December 31, 2002 (n=1045)



[1] Includes social workers with the DCRE as well as staff of FNCFS agencies.
[2] Includes interested third parties such as band representatives, babysitters, neighbours, etc. Also includes those individuals who do not have a relationship with a specific child.
[3] Includes those individuals that have a professional relationship with the child, such as health care professionals, judges, community-home operators, teachers, etc.

Type of Assistance

A continuum of advocacy services are provided to the children, youth, parents and others who contact the CAO requesting assistance. Agencies and individuals are often not clear on the types of assistance provided at each level of the continuum. In order to clarify our processes, for this annual report, the CAO has changed the way that we report the type of assistance that we provide. New definitions have been developed for each level of service provided. However, the actual services we provide are similar to those presented in previous years.

Self-Advocacy Strategies

Self-advocacy strategies include providing information on government policies/procedures and existing appeal processes, along with ideas the caller can use to resolve their issues.

Early-Advocacy Intervention

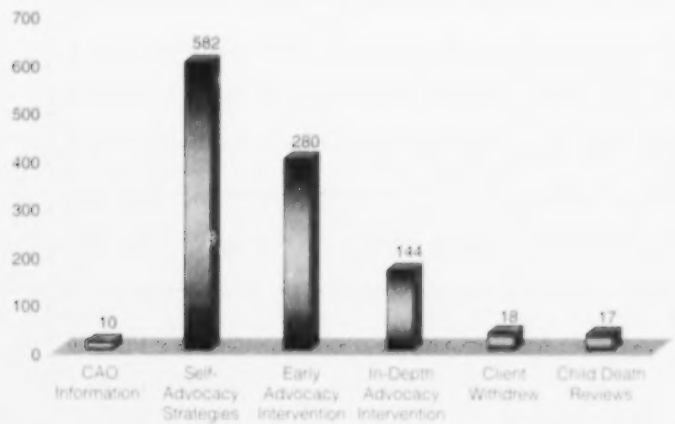
Early advocacy intervention includes making initial calls, conducting preliminary negotiations with decision-makers and providing further self-advocacy strategies.

In-Depth Advocacy Intervention

If issues are not resolved using either of these earlier methods, in-depth advocacy intervention may be required. This next level of intervention most often includes a face-to-face meeting with the child/youth or others and may include: in-depth coaching in self-advocacy; liaison with multiple government departments and organizations; facilitation of and participation in case conferences and meetings; or, on a limited basis, conducting formal investigations.

Type of Assistance Provided by Children's Advocate Office

Closed Files – January 1, 2003 to December 31, 2003 (n=1051)



Only includes those requests for CAO information handled by Advocacy Services. Other requests reported under the Public Education section of this report.

For 2003:

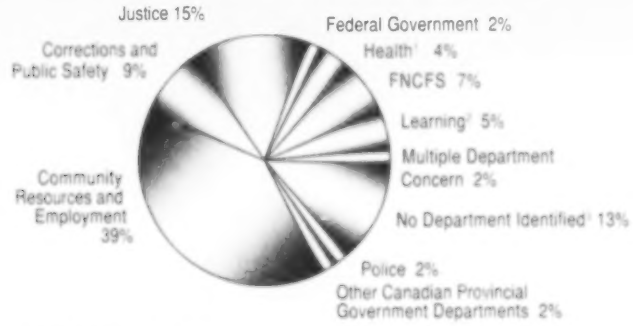
- 866 (82%) callers or 82 percent were assisted at the first point of service or at intake
- 150 (14%) callers were assisted by geographically assigned advocates

Of these callers:

- 582 (55%) callers received Self-Advocacy Strategies
- 280 (27%) callers received Early-Advocacy Intervention
- 144 (14%) callers received In-Depth Advocacy Intervention

Why are They Calling?

Concerns Raised with Children's Advocate Office Listed by Government Department or Agency
Closed Files – January 1, 2003 to December 31, 2003 (n=1051)



[1] Represents department & health authorities.
[2] Represents department & school boards.
[3] Represents requests for general information about services for children; requests for services where a referral was made to a department agency not under the scope of the CAO; or where the number of calls concerning a department agency are too small to report.

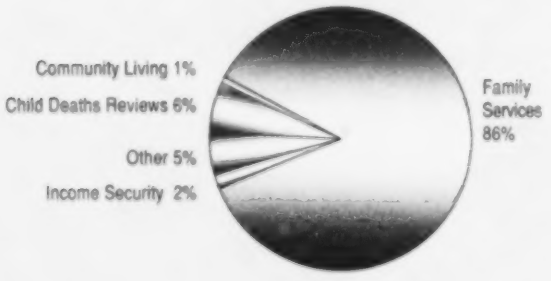
As in previous years, the majority of concerns raised with the CAO focused on the Department of Community Resources and Employment, totalling 39 percent of all calls.

Calls concerning the Department of Justice were the next largest group, representing 15 percent of calls. The greatest change in calls concerned young offenders. These calls dropped from 15 percent in 2002 to nine percent in 2003.

Community Resources & Employment

The CAO closed 416 files concerning services provided by the Department of Community Resources and Employment (DCRE), representing 39 percent of all calls to the CAO. This number of calls has remained consistent over the past number of years (447 in 2000; 448 in 2001; 423 in 2002).

Concerns Raised with Children's Advocate Office Regarding Community Resources & Employment
Closed Files – January 1, 2003 to December 31, 2003 (n=416)



Family Services

The DCRE provides a number of services to the children and youth of Saskatchewan through the Family and Youth Services Division. Of the 416 requests related to the DCRE, 86 percent were about the provision of Family Services. This number represents 34 percent of all calls to the CAO. Disagreements with caseplans and case management issues continue to constitute the majority of concerns brought to the attention of the CAO.

Children with Disabilities

Families who have children with disabilities who remain in their own home, may access services and support through the Community Living Division (CLD) of the DCRE. As in past years, calls concerning service provisions through CLD remain fairly consistent. Concerns are primarily focused on families who are having difficulty accessing services such as respite and specialized equipment, to assist them in caring for their child in their home. Calls regarding the CLD represent one percent of the DCRE calls.

First Nations Child and Family Service (FNCFS) Agencies

There are 17 First Nations Child and Family Service (FNCFS) agencies in Saskatchewan providing services to children and their families under *The Child and Family Services Act*.

Concerns regarding FNCFS agencies represented seven percent of calls to the CAO in 2003. The number of calls the CAO receives regarding FNCFS agencies has been slowly increasing over the past few years (20 in 2000; 31 in 2001; 54 in 2002; 70 in 2003). We believe that the increase in the number of calls may be a result of a greater understanding of the roles and responsibilities of the CAO with respect to FNCFS agencies.

Calls regarding FNCFS agencies are similar to those calls received concerning the DCRE, Family and Youth Services. Disagreement with caseplans and case management issues constitutes the majority of concerns brought to the attention of the CAO.

"Too many aboriginal children are in care and I believe that the Governments, both Native and Non-Native, had better figure out a solution soon; there are too many children caught in this system of not having a family. I wish that there was an easy answer, but unfortunately emotions and history come into play. In the end though, the children in care right now are going to be the big losers because we as a society can't figure this out. Who will answer to the children when they ask 'why don't I have a family?'"

(Reekie, C., August 11, 2003)

Note: Cecelia Reekie is an Aboriginal Caucasian Adoptee, and Vice President, Forget Me Not Family Society, British Columbia (used with permission).

"...Most children in the developed world can expect to live long, full lives, free of the diseases of poverty, neglect and discrimination. Most of these children can expect to be given world-class medical attention. Most of these children can expect to live in sound houses with more than adequate essential services. Most of these children will be sent to school from preschool on, and many may go to university. Most of these children are taught that their identity is something to be proud of.

These are among the rights that we believe all children should expect to enjoy in the new millennium. It is also the life that meets the criteria set out in the key international instrument concerning children – the United Nations Convention on the Rights of the Child.

But are these rights enjoyed by all children? What of those who can expect, at birth, to live 20 years less than other children? Those who, even in the developed world, still suffer third world diseases and have no access to medical care. Those who are brought up in over-crowded houses without running water or decent sewage. Those who are denied a basic education. Those who are harassed by police because of the colour of their skin or their ethnicity. Those who are routinely made to feel ashamed of who they are.

These are the children whose lives do not conform to the expectations we have for our children. Nor do they meet the minimum criteria set out in the Convention on the Rights of the Child...these are Indigenous Children. They live in both the developing and the developed worlds but their story is the same."

(Littlechild, W., September 2003).

Case Examples

Family Services – Planning with the Child

Issue: A seven-year-old boy, who had lived in foster care most of his life, did not want to return to live with his biological mother.

Background: This seven-year old had lived most of his life in foster care with some unsuccessful attempts at reunification with his birth mother. The mother had voluntarily agreed to have this boy, and his siblings, placed in foster care, but she now wanted them returned to live with her. This boy was afraid to live with his mother, based on the previous unsuccessful attempts at visits and reunification.

Action: The advocate met with the boy and subsequently met with officials in the Department of Community Resources and Employment. The DCRE staff reviewed the family reunification plan in relation to the issues this child raised with the advocate. The advocate also attended a 'Talking Circle' where the DCRE staff, family members, an Elder, First Nations Child and Family Services staff, the children's mother, the foster parents and others reviewed the family situation.

Outcome: Following a full review of this matter, the DCRE staff, with the support of this child's First Nation, requested that the court order that this child be made a long term ward of the Minister of Social Services. The child became a long-term ward and permanent, long-term planning for him is now the responsibility of the DCRE. He continues to live with the foster family he has lived with for over three years.

Family Services – When a young person in foster care turns 18...

Issue: A young person who is in the permanent care of the Minister of CRE and turning 18 was told she could no longer live in her therapeutic foster home because she was too old. She was upset because she did not know where she was going to live.

Background: This young person had entered into what is known as a 'section 56' agreement. This is an agreement that an 18 to 21 year old who is either a permanent or long-term ward can enter into with the Department of Community Resources and Employment in order to receive extended support while they participate in an educational program. She was going to be meeting with her DCRE worker the following day and wanted information about what options she might have since she could no longer live in her foster home.

Action: The advocate provided policy information and offered to go with the young person to the meeting with her DCRE worker. The young person appreciated the information and declined the offer for the advocate to attend with her because she felt she could handle the meeting on her own. This young person and her worker explored various placement options and the young person contacted the advocate several more times for assistance and information.

Outcome: Eventually, a suitable room and board placement was found for this young person. The advocate met with the young person to review what had happened and provided more information about services entitlements. This young person, with the assistance of the advocate, reached an acceptable compromise with her worker. Services and supports are available for youth in care when they turn 18 and young people are encouraged to understand what these supports are and how they can be accessed.

Youth Custody – Living Conditions

Issue: As a result of spring flooding, water seeped into a youth's room at a secure Saskatchewan youth custody facility and the youth called the CAO because he felt his health was at risk and no one was listening to his concerns.

Background: The assistant Director of the facility confirmed that this flooding problem had persisted for over a week and that it occurred every year in that particular facility.

Action: The advocate advised the assistant Director that this young person wanted to switch rooms.

Outcome: The youth affected by the water damage were all moved out of the damaged rooms; the carpets were all removed, sanitized and deodorized and staff agreed to monitor the situation in case there was further water seepage into the rooms.

Corrections and Public Safety

The approach adopted by the Federation of Saskatchewan Indian Nations Alter-Natives to Non- Violence Initiative is rooted in the understanding that behaviours are the observable symptom of feelings and emotions that are sometimes hidden from our view. The negative behaviours of youth have developed into recognizable labels with pre-packaged responses for systems and adults. The process developed to respond to the labeled behaviours does not necessarily address the underlying problems that may be hidden within the lives and experiences of youth.

(Federation of Saskatchewan Indian Nations, July 2003).

The CAO experienced a decrease in 2003 in the number of contacts from young people who are in either open or secure custody young offender facilities or on probation. Prior to 2003, CAO calls in this area represented approximately 15% of all CAO calls. However, only nine percent of all calls to the CAO in 2003 were regarding CPS (175 calls in 2001; 156 calls in 2002; 94 calls in 2003). The cause for the change in the number of calls is still unclear. Several factors may have contributed, including: the introduction of new policies and facility standards, the introduction of the *Youth Criminal Justice Act* or a decrease in the number of youth being held in custody. The primary issues being raised with the CAO are similar to those raised in previous years and continue to focus on youth disagreeing with decisions that are being made about them by staff.

Health

In 2003, the number of health related concerns totalled 40 calls or four percent of all CAO closed files. .Calls were primarily due to concerns regarding access to appropriate services such as: mental health services, drug and alcohol and other addictions resources, and concerns over surgical waiting lists for children.

Justice

Custody and access calls continue to represent the majority of Justice related calls brought to the attention of the CAO. The CAO does not have the authority to review decisions of the court. However, individuals contacting the CAO are provided with self-advocacy strategies and referral information that may assist them in resolving their concern. Custody and access issues represent 15 percent of all calls to the CAO and 94 percent of all Justice calls.

Concerns Raised with Children's Advocate Office Regarding the Department of Justice
Closed Files – January 1, 2003 to December 31, 2003 (n=156)

Custody and Access 94%
Saskatchewan Human Rights Commission 1%
General Inquiries 4%
Saskatchewan Legal Aid Commission 1%

Case Examples

Youth Custody – Access to Cultural Programming

Issue: A young person complained that the secure youth custody facility in which he was placed was no longer allowing him and the other youth on his unit in the facility to participate in traditional smudging ceremonies.

Background: Smudging ceremonies had been a part of the routine cultural program of the facility until several security issues occured. Youth were threatening each other, creating security concerns for the facility staff. The staff then determined that the smudging ceremonies would be discontinued as a consequence for these behaviors.

Action: The advocate contacted the facility staff to discuss the issue and was advised that the smudging would not be allowed as it presented too much of a risk. The advocate, at the young person's request, appealed this decision to the Director of the facility who agreed to review the matter.

Outcome: The facility staff and Director agreed to allow the youth to engage in smudging on an individual basis and to allow group smudging ceremonies once the security risk was reduced.

Multiple Departments – When the Child "Falls Through the Cracks"

Issue: A mother called the CAO because she felt she was not receiving the assistance she needed to continue to adequately care for her 17-year-old-disabled daughter.

Background: This mother tried to access support from three different government programs and each refused. The Community Living Division (CLD) and the Saskatchewan Assistance Plan (SAP) of the Department of Community Resources and Employment and the Home Care Program with her local Regional Health Authority would not cover the costs of in-home respite services for her daughter. In addition, further issues emerged during the advocacy process. These included the fact that the family needed to move to a new apartment to accommodate the special needs of their daughter resulting in a rent increase they could not afford. The mother was also very concerned about what would happen to her daughter when she turned 18 years old and was no longer considered a child for the purpose of receiving financial assistance benefits under the SAP program. The family also had an outstanding debt with the Regional Health Authority related to the in-home care their daughter had received from the Home Care Program.

Action: An interagency meeting, that included the mother, was arranged by the advocate. During the meeting when no collective solution appeared to be forthcoming, the mother became distraught and left. The advocate remained in the meeting and worked with the agency representatives to develop a solution that would address the concerns raised by the mother.

Outcome: A coordinated plan was developed that addressed the immediate issues and provided the services needed for this young person and her family. The family was provided an increase to their assistance payment to cover the increased rent costs and some other needed improvements to the apartment; the outstanding debt with the Regional Health Authority was forgiven and the Regional Health Authority agreed to continue to provide the in-home care services up to this young person's 18th birthday. It was further agreed that a plan was required to ensure ongoing support for this young person after she turned 18. This plan is being developed. The question about how in-home respite for disabled children and adults is funded remains an outstanding issue.

Learning

CAO authority in this area is often confusing to people. In accordance with *The Ombudsman and Children's Advocate Act*, the CAO does not investigate complaints about a school or school board. However, the CAO has made a commitment to do what we can to assist individuals find a solution to their issues. When the CAO receives a complaint regarding a school or board, CAO staff will notify callers of the dispute resolution policies that exist to assist them, specifically sections 148 and 186 of *The Education Act*. In addition, CAO staff will provide strategies to assist the caller in resolving concerns or make links on their behalf to other appropriate agencies or individuals that may be able to assist them. These calls constitute five percent of all calls to the CAO.

The CAO does have authority to review or investigate complaints about the Department of Learning. Our role in this area is detailed in the systemic advocacy section of this report.

Multi-Departmental Involvement

In 2003, two percent of concerns raised with the CAO involved multiple government departments. These calls often begin with the focus on one department/agency. However, as the issue is addressed, it becomes apparent that the issue requires the attention of several departments. Over the past few years, the total number of multi-departmental concerns has remained relatively small (12 in 2000; 43 in 2001; 20 in 2002; 22 in 2003).

As governments struggle to reconfigure budgets, certain realities must be considered:

Rights are interdependent. All rights are equally important and the neglect of one right can annul or hamper the fulfilment of others. Development in health, education, nutrition and water, for example, is mutually reinforcing and also supports growth. This synergy justifies working towards the fulfilment of all rights...

The human rights approach also calls for equal outcomes, going beyond equal access or equal opportunities for all. A disabled child, for instance, often needs more resources than an able-bodied child to equally benefit from schooling. Article 23 of the Convention on the Rights of the Child requires "State Parties (to) recognize the right of the disabled child to special care..."

(UNICEF, December 2003)

Investigations

Investigations

Formal investigations are an extension of individual advocacy services. For the most part, advocates try to assist in resolving the issues being raised. However, there are situations where the most appropriate process is to conduct a formal investigation.

The Baby Andy Report

Examination of Services Provided to Baby Andy and his Family

In September 2002, the CAO publicly announced that we would be investigating the services provided by the government and a FNCFS agency to a 20-month old child. The child, who publicly became known as "Baby Andy," was very seriously injured shortly after he was returned to his family from foster care. Significant public attention regarding this matter prompted us to publicly announce our intent to investigate this matter. While it is unusual for the CAO to publicly announce an investigation of this nature, the decision was made to do so in the public interest and in accordance with the provisions of *The Ombudsman and Children's Advocate Act*.

In a display of good faith and in the interest of fully understanding the circumstances that led to the injury of this child, the Minister of Community Resources and Employment and the First Nation Child and Family Agency agreed that a review of services provided by both agencies to this child and his family was imperative (Excecutive Council Media Services, October 7, 2002).

The CAO agreed to participate in an inclusive investigative process whereby the CAO conducted an independent fact-finding process to determine the facts in the case. Two CAO advocates conducted the investigation, which took approximately 3 months to complete. The investigation included interviews with 23 persons from 11 agencies and the review of documentation from all relevant files and records. In early 2003, the Children's Advocate presented the facts and findings of this independent review to a panel of representatives from the Department of Community Resources and Employment and the First Nation Child and Family Agency.

The Children's Advocate participated as an observer while the panel analyzed the findings and developed the recommendations. The department and the agency both acknowledged the independence of the Children's Advocate and recognized that the Advocate had the authority to make further recommendations as appropriate.

This was the first time the CAO engaged in an inclusive investigative process such as this. We believe that the benefits of this more inclusive and open process are reflected in the strength of the recommendations made by the panel.

In July 2003, the panel released their report and made recommendations in six areas affecting children in care, including:

1. Communication and Information Sharing
2. Staffing – Turnover, Training and Supervision
3. Accountability
4. Care Management and Practice
5. Coordination of Services
6. Government Support

Upon release of the report, the Children's Advocate publicly supported the recommendations that were presented to the department and the agency for their consideration. Although supportive, the CAO is adamant that the steps to improve services to children, such as these and Child Welfare Redesign, must begin to translate into real change in the lives of children to ensure their safety and well-being.

"...the Ad Hoc Coalition[1] believes that Canada's financial commitments are insufficient to address deficiencies in programs and services. For example, despite the significant growth in the numbers of Aboriginal children in-care, and a recommendation in the Joint National Policy Review[2], the Canadian government continues to refuse funds to First Nations welfare agencies in order to mitigate risk factors for children and youth on reserves. Least disruptive measures (services provided to children and their families identified as being at risk of child maltreatment) are under-funded and often targeted for cost reductions. Federal funding formulas for Aboriginal child welfare agencies continue to place a disproportionate emphasis on child removal. There is not adequate funding for family preservation or community development models."

(Ad Hoc Coalition on the Rights of Aboriginal Children in Canada. September 2003.)

Note 1: The Ad Hoc Coalition on the Rights of Aboriginal Children in Canada members include: The Atlantic Policy Congress of First Nation Chiefs; The Commission on Justice and Peace, Canadian Council of Churches; First Nations Child and Family Caring Society of Canada; KAIROS: Canadian Ecumenical Justice Initiatives; Southern Chiefs' Organization (Manitoba).

Note 2: National Joint Policy Review Reference: (McDonald, R & Ladd, P., June 2000).

This review was a very difficult undertaking for all involved. The events that contributed to Andy being assaulted and very seriously injured were very difficult to accept. The review of the services provided to Andy and his family once again reinforced the serious nature of the responsibilities carried by the individuals and agencies that care for children in need of protection. The CAO will continue to closely monitor the implementation of the recommendations in the report and will follow-up with the department in 2004 on their progress.

A Summary of Child Death Reviews for the Year 1999

In December 2003, the CAO released the second summary report on child death reviews for the year 1999. *A Summary of Child Deaths for the Year 1999* provides an overview of the issues found in the reviews of 31 children who died in 1999. In addition, the report includes the reviews of three pre-1999 deaths that were not presented in the first summary report.

The purpose of child death reviews is to increase awareness of the factors that contribute to deaths of children, to recommend changes to improve child-serving systems and to promote public accountability.

Each of these children was, at the time of their death or in the 12 months preceding their death, receiving services from the former Department of Social Services (DSS, now the Department of Community Resources and Employment, DCRE) pursuant to *The Child and Family Services Act*, or the *Young Offenders Act* (replaced by the Youth Criminal Justice Act in April 2003). The report examined the deaths of a limited number of our most vulnerable children — 15.4 percent of the deaths of all Saskatchewan children (under age 22) in 1999. Of the 34 child death reviews included in this report (2 in 1997, 1 in 1998, 31 in 1999), nine were in the care of the Minister when they died (2 in 1997, 1 in 1998, 6 in 1999); 25 were not in the care of the Minister.

This Summary Report once again highlighted the importance of an independent review of the deaths of children. The review of child deaths is one of the many methods the child-serving system uses to identify ways to better serve children. Each year, thousands of children and young people receive services from government departments/agencies and, for the most part, these children with their families receive services that are supportive and helpful. However, the report detailed significant practice issues and made 33 recommendations in the following 12 areas that, when implemented, will improve services provided to children.

1. Non-compliance by the DCRE to Legislated Requirements and Policy Standards.
2. Transfers Between the DCRE and First Nations Child & Family Services Agencies.
3. Assessment and Intervention.
4. Administration of Medication.
5. Provision of Information.
6. Contact Standards for 16 and 17-Year-Olds.
7. Services to Children with High Medical Needs.
8. Quality of Medical Services.
9. Need for Integrated Services.
10. Mental Heath Services.
11. Services for Youth in Conflict with the Law.
12. Educational Services.

In Canada, parents and families have the primary responsibility for the care and nurture of their children. The role of government and society with respect to children is to provide the legislative and policy framework, the institutional and organizational structures, the services, and fiscal and other supports to enable families to ensure their children's healthy development. However, if families are unable to care for their children, then governments and society have a duty to intervene. In Canada, we also recognize that children themselves have important contributions to make to the decisions that affect their development, as well as that of their communities.

(Canada. Social Development Canada and Health Canada. 2004).

Since 1996, the CAO has reviewed nearly 100 child/youth deaths where there was involvement by the former DSS . Much has been learned through these reviews. The over-riding message of the report focuses on implementing changes to the way in which child deaths are reviewed.

1. File Audits to Review Compliance with Case Practice

The report recognizes that DCRE is working towards improved service delivery and has implemented a quality assurance program. However, non-compliance with existing policy was, once again, persistently observed in the review of these deaths. The CAO believes that the case practice issues related to compliance with government policy and standards would be most effectively examined within clearly defined and carefully measured quality assurance mechanisms that evaluate adherence to policy and standards. The results of these quality assurance audits must be made public to ensure increased transparency and public accountability. The CAO believes this will increase accountability in relation to the case practice issues documented from the death reviews. (Note: In January 2004, the Minister of CRE announced preliminary plans to implement a quality improvement program.)

2. **Maintain Public Accountability in the Child Death Review Process**
   The CAO is committed to a comprehensive independent review of those child deaths where the child was in government care.

3. **Review All Child Deaths**
   The CAO found that preventing child deaths is less likely to be achieved when a limited number of deaths are considered out of the context of all of the child deaths. An increased review of all child deaths will assist in developing greater understanding of the causes of child deaths and identifying gaps that must be addressed. The CAO recommended "that government develop a model to ensure all child deaths are reviewed by 'an educated eye' and that this model begin to be implemented by January 1, 2005."

Essentially the CAO is calling for an improved process for reviewing child deaths in Saskatchewan. We believe that by implementing all of these changes that we will more effectively achieve our goals of preventing child deaths, impacting the child-serving system and promoting public accountability.

Child Death Reviews: Policy and Procedures

Following the release of the 1999 Summary Report, and in accordance with the three issues noted above, the CAO wrote to the DCRE in order to finalize a new process to review child deaths referred to the CAO by DCRE.

The CAO reviews will continue to examine child deaths where the child was in government care and other child deaths referred to us for an external review. The CAO requested that the DCRE finalize their Death of a Child/Youth Review Policy and we have agreed to the following:

- "An external review by the Children's Advocate will be requested in all cases where a child was in the care of the Minister or where a youth was receiving services pursuant to Section 10 of *The Child and Family Services Act* at the time of their death or in the six months previous to their death.
- In recommending an external review in circumstances other than those outlined above (see 5.), the Regional Director will take into account the nature, frequency and intensity of services and the degree of connection between the child's death and the department's responsibility to provide services that protect the child."
  (Saskatchewan Community Resources and Employment, 2004, March-Revised).

In addition, the CAO will continue to review any other matter referred to us, including child deaths, in accordance with *The Ombudsman and Children's Advocate* Act. These changes in policy are being applied in our reviews of deaths that occured after January 1, 2000. (Note: In March 2004, just prior to the printing of this report, the CAO received the new DCRE Death of a Child/Youth Policy that reflects these changes.)

Systemic Advocacy

On a systemic level, the Children's Advocate Office promotes and advocates for changes to government practice, policy or legislation respecting the interests and well-being of children. The Office advocates for improvements to processes through which the interests and viewpoints of children may be expressed, considered, and respected by government when it plans and implements services that impact on children. In addition, the Children's Advocate may make formal recommendations to Saskatchewan government departments or agencies relating to the interests and well-being of children.

Systemic Advocacy

Systemic advocacy focuses on issues that are impacting children and youth across a service system. We work to influence legislators, policy-makers and practitioners to consider the rights of children and youth when decisions and plans are being made that impact on these young people.

Issues identified for systemic advocacy are generated through a review of the individual concerns raised with the office by youth, community advocates and professionals. In our experience, most of the concerns are resolved satisfactorily and the CAO file is closed with no need for further action. However, while the individual advocacy file may be closed, broader issues may remain. There may be other children or youth who continue to be impacted by the law, policy or practice that was identified in one or more individual files.

Youth in Conflict with the Law

The CAO has identified and previously reported on four systemic issues that affect youth in conflict with the law. Each of these four issues was identified by the CAO more than five years ago. The CAO is pleased to report that considerable progress was made on each of these issues in 2003. Multiple factors contributed to the progress made on the issues in 2003, one being the introduction of the *Youth Criminal Justice Act*.

The *Youth Criminal Justice Act*

On April 1, 2003 the *Youth Criminal Justice Act* came into effect in Canada. In 2002, we identified potential concerns that could arise upon implementation of the act. The first issue was regarding the flexibility within the act regarding the use of custody. Initial data provided by Corrections and Public Safey indicates that "custody counts have been declining for the past five years and have decreased significantly since implementation of hte YCJA. The average daily count of youth in custody for the 2002/03 fiscal year was 330. The average daily count during 2003/04 was 261." (CPS, April 2, 2004)

The stark reality is that without community resources and support for M.(B.) and others in his circumstances, the fall back will be to use custodial facilities in substitution for therapeutic supports. The YCJA implores us to consider special needs (s. 3) and to investigate the reasons and background circumstances behind offending behaviour. Here, we have a very good sense of the underlying causes of M.(B.)'s behaviour: his FASD and traumatic background. Yet, there is nothing to offer him and the expectation that he change first before something can be offered. When things do not work out for him, even when little supports are provided, we then attribute full responsibility to this youth. Is he failing society's expectations or are we failing him by expecting too much in light of the FASD diagnosis?

R. v. M. (B) [B.M.] [2003] S.J. No.602.

The second concern raised by the CAO focused on the increased stress on communities (particularly in rural, remote, near or far north and on reserve communities) to support the non-custodial provisions of the YCJA. Further, the YCJA also provides that all custody orders be followed by a period of community supervision. While the notions of non-custodial or re-integrative supervision are laudable goals, they will only work if communities receive the supports to provide the service.

In theory, efficiencies could be realized by the reduced numbers of youth being held in facilities. The resources could be redirected to provide adequate community-based services. However, it is still too early to tell whether or not youth and communities are receiving the appropriate level of resources and supports that they need in order to successfully complete their sentences. The community resource issue remains a concern for the CAO.

A third issue raised by the CAO focused on section 83 of the YCJA that emphasizes the need for clear standards of care, including a monitoring process to ensure that the standards are, in fact, met in practice.

Standards of care in residential custody facilities

The need for standards of care in residential custody facilities has been an issue raised by the CAO with government since 1995. The CAO has advocated that government develop standards of care, which clearly outline basic standards or a minimum level of service or treatment for youth in custody facilities. Further, we have advocated that these standards must include quality assurance mechanisms, performance expectations and systemic processes to monitor compliance with the standards. While government agreed that standards were important, development and implementation of these has been slow.

Standards are statements that describe an expected level of performance. The United Nations (UN) Convention on the Rights of the Child, and the UN Rules for the Protection of Juveniles Deprived of Their Liberty describe the need for a minimum level of service or treatment by systems and individuals in order to insure consistent, high quality services for, or in the best interests of children.

Tough on Crime = Tough on Kids

A person needs only to pick up a newspaper or switch on a radio or television to hear someone – likely a politician – talking about "getting tough" on youth crime. Advocates of this view believe that a more punitive approach is required to reduce youth crime and provide safer communities. Fundamentally, we reject this punitive view. A compassionate society should not and cannot tolerate a strategy of inflicting pain on its troubled youth. In response, we argue that bringing children into the mainstream of our society and teaching them the skills to operate successfully within our community will reduce crime.

(Green, R. & Healy, K., 2003)

In 2000, the CAO investigated complaints from two youth regarding the use of restraints and segregation while they were in secure custody. We made a number of recommendations regarding specific standards. Several new policies were implemented that appear to have addressed the issues related to the use of restraints and segregation. We were also advised, at that time, that standards for the youth custody system were being developed; however, these were not forthcoming. In preparation for the implementation of the YCJA, we were advised in 2002 that the policies regarding youth justice services were being re-written. In October 2003, we were advised by department officials in CPS that a new policy manual, including minimum standards for the care and treatment of youth, was completed. We have had the opportunity to review these new policies. The policies address several issues that have been identified by youth to the CAO.

In addition, the CAO has been informed that a quality assurance program has been introduced that involves an ongoing process of review to ensure that the standards, as defined in these policies, are adhered to. CPS has also created a new work unit within the department that conducts program reviews, monitors adherence to the policy standards and provides ongoing training to staff.

The CAO is satisfied that these new policies, combined with the implementation of a quality assurance process, are consistent with the desired outcome we identified in our 2002 Annual Report. We have been advised by CPS that these policies will be finalized and implemented fully in 2004. Given this progress, our work on this systemic advocacy file has been concluded as resolved.

Educational experiences of youth in custody facilities

In 1998, a young person from a secure custody facility complained that he did not receive credit for the high school classes he believed he had completed while he was in the facility. The CAO reviewed this complaint with government officials from what was then Saskatchewan Social Services and Saskatchewan Education. It was clear that the educational programs in the secure custody facilities were not subject to the same regulations and accreditation procedures as those provided by a board of education. This was contrary to rule 38 of the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty which states that: "Every juvenile...has the right to education suited to his or her needs and abilities...Such education should be provided outside the detention facility in community schools wherever possible and, in any case by qualified teachers through programmes integrated with the education system of the country..." (UNICEF, 1998). This issue, while on the surface appearing fairly straightforward, has been difficult to resolve.

Saskatchewan Learning and Saskatchewan Corrections and Public Safety Vision

"Saskatchewan Learning and Saskatchewan Corrections and Public Safety believe that the right of school age youth to achieve a standardized, quality education, and the opportunity for older youth to continue and/or to resume their education, should not be compromised by their entry into custody programs and/or return to their own or another community upon release."

(Corrections and Public Safety, January 10, 2003).

In 2002, Saskatchewan Learning and Corrections and Public Safety advised the CAO that they had established a joint vision statement which states that "Saskatchewan Learning and Corrections and Public Safety believe that the right of school-aged youth to achieve a standardized, quality education, and the opportunity for older youth to continue and/or resume their education, should not be compromised by their entry into custody programs and/or their return to their own or another community upon release." (Corrections and Public Safety, personal communication, January 10, 2003).

"States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity..."

(Convention on the Rights of the Child, 1989).

In 2003, we were further advised that significant progress had been made on the issue, including "developing linkages/partnerships to address the educational needs of youth while in custody and to provide a smooth transition upon discharge from custody and return to community school programs." (Corrections and Public Safety, personal communication, January 10, 2003). One youth custody facility has now received provincial accreditation from Saskatchewan Learning. It is anticipated that this standard of partnership between the youth facilities and Saskatchewan Learning will be achieved for youth in all custody facilities in the near future.

The CAO will continue to advocate for full implementation of educational programs that meet the above stated vision and that provide youth in facilities with educational programs that are, at minimum, equivalent to those provided in community-based schools.

Treatment of youth held in RCMP cells and/or waiting to be transported by the RCMP

The CAO has received a number of complaints from youth, parents and community members about the treatment of youth who are held for up to several days in RCMP cells while they are waiting to appear in a provincial court or to be transferred to a youth facility. We have advocated that Corrections and Public Safety, Saskatchewan Justice and the RCMP work to establish clear and appropriate standards for the holding and transporting of youthful offenders. Further, we believe that these standards must be consistent with the international rules that protect juveniles deprived of their liberty and that these need to be consistently applied throughout the province.

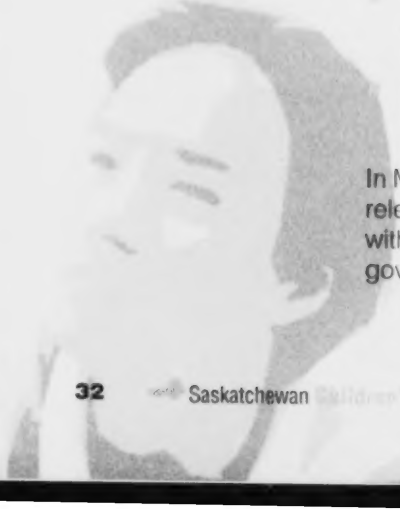
While there has been agreement that this is an issue that requires resolution, there was no real solution to this ongoing problem, particularly when there were high numbers of youth being held and transported. CPS officials have reported to us that since the YCJA came into effect, the number of youth in custody facilities has decreased, resulting in facilities and facility staff being more readily available to provide both accommodations and transportation for these youth. One additional impact of this has been a reduction in the complaints about this issue to the CAO. It would appear that, for the most part, this issue has been resolved by the reduced demand on the youth custody system. Therefore, the CAO has decided that, at this time, no further systemic advocacy activity is required on this issue. However we will continue to review, in accordance with the provisions of *The Ombudsman and Children's Advocate Act*, any individual complaints that come to our attention.

Supervision of youth in provincial court cells

The safe and respectful treatment of youth in provincial court holding cells, both in the circuit and permanent provincial court facilities has been a systemic advocacy issue of ongoing concern for the CAO for several years. For example, youth assault and intimidate each other; there is theft and property damage occurring; youth have very limited access to private toilets. Over the years, government has attempted to resolve this issue in a number of ways:

- Transferring youth more quickly back to the youth custody facility after their appearance in court in order to reduce the number of youth held in the provincial court holding cells;
- Installing a video-monitoring system in the provincial courts in the major cities in order to enable the court staff to observe the activity in the cells and to intervene more quickly when incidents occur;
- Placing high-risk individuals, such as those who are known to interact negatively with other youth or those charged with more violent offences in individual cells rather than in the "holding tank";
- Providing information about the CAO to youth in the provincial court holding cells, particularly when there has been an incident.

In May 2001, the Saskatchewan Court Facilities and Security Committee released the Saskatchewan Court Facilities and Security Study. The CAO met with representatives of this Committee in April 2002 and urged that government implement the recommendations of the Committee.



The conditions under which youth, and other prisoners are held in both the permanent provincial courts and in the circuit courts remains a concern to this Office. Having said that, government has undertaken to increase the safety and security of the youth in these facilities and, in 2003, the CAO did not receive any new complaints related to this issue. We have therefore determined that this systemic advocacy file will become inactive in the CAO pending any further complaints that may require our attention. However, this file will not be closed as resolved, as the recommendations of the Saskatchewan Court Facilities and Security Review Committee have not been fully implemented. We believe there remains a risk to youth and other prisoners particularly when the facilities become over-crowded. The CAO is working with CPS officials to make additional information about the CAO available and accessible to youth who are being held in these cells.

Other Systemic Issues

Mental Health Services

The CAO first raised publicly the issue of access by children and youth to mental health services in our 1996 Annual Report, *Advocacy With and For Children a Shared Responsibility*. Although the number of concerns raised with the CAO has been limited (23 between 1999-2001; 9 in 2002, 6 in 2003), the complaints have been compelling. In addition, professionals from within the mental health sector as well as other child-serving systems have raised general issues and concerns in this area with the CAO.

...There are several barriers to providing mental health services to children in child welfare that include:

- **Fragmentation of responsibility and funding**
- **Gaps in services**
- **Unmet need and disparities in access**
- **Lack of family partnerships and support**
- **Lack of workers' understanding of mental health problems of children and adolescents in the child welfare system**
- **Lack of focus on screening, prevention, and early intervention**

(National Child Welfare Resource Center for Family-Centered Practice. Summer 2003).

In 2001, the CAO identified access to appropriate mental health services by children and youth as a priority area of concern. Issues identified included:

- Waiting times to access assessment and treatment;
- Appropriateness of some inpatient programs for child/youth patients and the need for child/youth-oriented services; and
- The rights of the children/youth to participate in decision-making about the services provided to them.

The CAO identified two desired outcomes related to mental health services for children. These outcomes are that:

- Children and youth in all parts of our province have timely access to appropriate mental health services.
- Children and youth are informed of their rights in the mental health system, including their rights to privacy, to participate in case and treatment planning, and to an appeal process in the event of a disagreement about a decision.

In addition to this systemic advocacy work, the CAO has conducted several reviews[1] and investigations where issues related to mental health services were raised by the CAO. These reviews resulted in 10 CAO recommendations and some additional findings in the area of mental health services. Following each of these reviews, the government did provide a response detailing their actions with respect to each recommendation. However, broad changes appear to be needed in the area of mental health services for children.

[1] *Children and Youth in Care Review: LISTEN to Their Voices; Investigations at Provincial Youth Custody Facilities; Summary of Child Death Reviews 1996 to 1998; A Summary of Child Death Reviews for the Year 1999*

The onset of most mental illnesses occurs during adolescence and young adulthood. This affects educational achievement, occupational or career opportunities and successes, and the formation and nature of personal relationships. The effect extends throughout an individual's life. The greater the number of episodes of illness that an individual experiences, the greater the degree of lasting disability. Receiving and complying with effective treatment and having the security of strong social supports, adequate income, housing and educational opportunities are essential elements in minimizing the impact of mental illness.

(Health Canada, 2002).

In the spring of 2003, the CAO began a review of recent Canadian/Saskatchewan-based information/literature regarding the availability and effectiveness of mandated and other mental health services for children/youth. The results of this review will be published in early 2004. (Note: the report was released just prior to the release of this Annual Report.) This report is intended to be a catalyst for creating a comprehensive action plan to ensure adequate and appropriate children's mental health services throughout Saskatchewan. The CAO is concerned that children are not accessing the mental health services and supports they need in a timely and effective manner. Right now, while there are some indicators of success, there does not appear to be a clearly articulated plan to ensure that all children, and their families, can access the supports or services they need.

Dispute Resolution in the School Environment

One of the elements of the School PLUS agenda that has been identified as an ongoing concern to the CAO is the question of parent and student access to dispute resolution processes. The final report of the *Task Force and Public Dialogue on the Role of the School* concluded that students have little formal opportunity for input into policy creation and decision-making. The recommendations of the Task Force advocated for student participation that is "both central to the development and application of school policy." The Task Force also noted that while many examples of positive relations between parents, schools and teachers existed, there was also a problematic element to this relationship. As a result, the Task Force affirmed the role of the parents as active participants in the education of their children and recommended that mechanisms be established to facilitate the school/parent partnership. These recommendations signal the need for a more inclusive school environment. However, the Task Force did not address the concerns of the CAO regarding student and parent accessibility to a fair, independent and consistent mediation, investigation and/or appeal processes in the event of a dispute between the parent or student and the school.

In 2001, the CAO requested information about the dispute resolution processes and policies established by Saskatchewan school divisions in relation to the provisions of *The Education Act*. At that time, less than 20 percent of school divisions reported on the status of the dispute resolution policies in the area and we remained unclear about what was actually happening in this regard. In May 2003, Saskatchewan Learning reported to the CAO that 97% of Saskatchewan school divisions had policies either in place or pending that outline the mechanisms for resolving concerns. This is a very positive step forward and the CAO is pleased by this progress. We continue to discuss this matter with Saskatchewan Learning, as we are interested in understanding how parents and students will be provided information about how they can access these dispute resolution mechanisms. At this time, parents and students are encouraged to contact their respective school authorities to request copies of these policies. The CAO will continue to promote the creation of an independent appeal processes for disputes between the parent or student and a school.

Services for Children with Disabilities

In 1995, the CAO was contacted by a number of parents and professionals who were experiencing difficulty in accessing services for children with disabilities. These services included:

- timely speech language pathology intervention;
- occupational therapy;
- age-appropriate equipment aides to assist in their child's daily living;
- respite services, especially local community residential respite programs; and
- subsidized special dietary needs.

[I would like to] issue a warning to families with a child who has an intellectual disability: if your child is school-age and requires occupational or speech and language assessment and therapy, then you, as a family, are on your own. Let me explain: the well-known mantra put forth by Learning and Health to families with a "Special Need" is "but we don't have the resources!" This is followed up by lofty, idealistic nonsense concerning the revolution to be brought forth by "School[PLUS]", "increases in functional grants, yada yada." Then, the buck is passed — the School Board blames the Health Region, which in turn blames Saskatchewan Learning, which then froths at the fact that "Special Needs" funding to Boards has increased, to which the Boards respond that Kinsmen Children's Center is responsible for providing therapy, to which the Centre blames the Health Region for not providing sufficient funding... Somewhere, at some bureaucratic level, a well-paid middle manager made the conscious decision that, given scarce resources, the first persons to have services cut are those with intellectual disabilities. "After all", I can hear the bureaucrat titter, "It's not like they are going to get better anyway!" So, ... the elaborate shell game of "let's blame the other bureaucracy" was put in place to cover this shameful decision from inquiring families.

(S.H., personal communication, March 2003; Used with permission).

Individual advocacy files were opened and a systemic file was created in the CAO. The success on an individual basis has varied with some children accessing the required services and having their immediate concern resolved; while for others there has been no resolution and the issues are ongoing. The government has expressed a desire to improve the services provided to children with disabilities and their families. However, in reality there has been very little movement on a systemic level to date. Parents contacting the CAO repeatedly state their frustrations. In their opinions and experiences, they see a dismantling of services for children. Parents report that they find themselves in the middle of disagreements between agencies and departments over who ultimately has the responsibility to provide the service.

"There is a lack of desire by those who direct budgets to allocate scarce resources to help children with intellectual disabilities."

(M.H. Case Conference, September 4, 2003).

In response to growing concerns the government established the Saskatchewan Council on Disability Issues to provide input into the development of a government-wide Disability Action Plan. The document, *Saskatchewan's Disability Action Plan* was presented to Government in June 2001. To date, the Government has not provided a response to this document.

Standards of Care in Residential Family Services and First Nations Child and Family Services Facilities

Each year, the CAO receives concerns regarding the programming and services provided to children and youth residing in provincially-operated, residential family services and First Nations-operated residential facilities.

The Department of Community Resources and Employment (DCRE) has indicated to the CAO that they are developing a residential services manual that will supplement the Children's Services Manual and Family Centered Case Management Manual. DCRE has indicated that the principles, policies and standards in this manual will provide supplementary guidance in situations that will be unique to residential care. The First Nations agencies are also in the process of establishing and implementing standards in the residential facilities that they operate.

The CAO continues to advocate for the implementation of standards in residential family services programs and facilities.

Safeguards for Children and Youth in Foster and Group Home Care

The CAO has repeatedly called on government to increase measures to ensure that children in the care of government are safe and receiving the quality services to which they are entitled. Of note in 2003, the Provincial Auditor also observed that: "Because the Department (DCRE) did not consistently follow its policies and procedures, the Department cannot ensure that it protects the children in its care or that payments to care providers are authorized." The Provincial Auditor has now also recommended to DCRE that the department "follow its policies to ensure that children in its care are protected and that payments to care providers are authorized."

"We recommend that the Department [of Community Resources and Employment] follow its policies to ensure that children in its care are protected and that payments to care providers are authorized."

(Provincial Auditor Saskatchewan, 2003).

Clearly, practice must be consistent with policies and, equally important, practice must be consistent with the needs and best interests of the children being served. This is not a new issue and the CAO continues to press government to monitor the quality of the services provided to children in care and to make the results of this monitoring available to the public. The CAO recognizes that there are many policies to follow — each of them relevant and thoughtfully developed. The CAO also recognizes that department staff and foster parents are under significant pressure to meet all of the requirements all of the time. However, best practice must be focused on meeting the needs of the children. Policies provide a framework within which consistent, quality services can be assured for all children in care. Without adherence to policies AND best practices, children may be at increased risk.

"Hopelessness is the most destructive feeling I know. ... We called hopeless children 'hard to serve.' We found them in jails, in hospitals, in treatment centres, and schools. The one thing they had in common was that nobody would or could help them. They re-offended, they got sicker, they ran away, and they frustrated everyone who tried to care for them. Their families had lost hope that they would change and had little faith in the system that failed them. 'Incorrigible' or 'Untreatable' were favorite adjectives to describe them."

(Horne, L., 2003).

The CAO made several recommendations in our 2000 report, *Children and Youth in Care Review: LISTEN to Their Voices*. In 2003 the CAO began to review these recommendations in relation to the response provided by government through Child Welfare Redesign and other provincial programs and services. We are interested in understanding what, if anything, is different for children in care and children at risk in Saskatchewan. The CAO has recommended that, at minimum, the DCRE continue to examine case practice issues within clearly defined and carefully measured quality assurance mechanisms.

In contrast to the lives experienced by other Canadian children and youth, Aboriginal children are more likely to be born into poverty, to suffer health problems, maltreatment, incarceration, and placement in the child welfare system. Although provincial data collections systems vary, best estimates are that there are currently over 25,000 Aboriginal children in the child welfare system (in Canada) — three times the highest enrollment figures of the residential school in the 1940's. In terms of First Nations children on-reserve, the numbers of children entering into care are tragically rising. DIAND (Department of Indian and Northern Development, Canada) data confirms that between the years of 1995 and 2001, the number of Status Indian children entering care rose an astonishing 71.5%.

(Blackstock, C., & M. Bennett, 2003).

The DCRE annually audits approximately 1200 to 1500 child protection, children in care and foster home files to identify and measure adherence to policy and standards. The annual file audit and case reviews are one mechanism to identify compliance issues and to have these promptly addressed.

Safeguarding the ever-increasing number of children in care remains a priority for the CAO. These children and young people are living in the care of the government and they are entitled to special protections and safeguards simply because government is their parent. These children deserve more then our investment of time and money — they deserve our full attention!

As of March 31, 2003, there were 4391 children in care in Saskatchewan under *The Child and Family Services Act*. Recent legislative amendments may assist in addressing this issue. In May 2003, *The Child and Family Services Amendment Act, 2003* was passed in the Saskatchewan Legislature. The amendments "provide a framework for extensive Kinship Care policy development" and have been designed so that "the first consideration for children requiring out-of-home placements is with extended family or another significant person in the child's life..." (Saskatchewan Social Services, January 28, 2003). The changes affect sections 2, 5, 14 and 37 of the Act. These amendments have not yet been proclaimed. Regulations are being developed to define how these provisions will be implemented.

Children/Youth in Care by Nature of Involvement Under *The Child and Family Services Act*, March 1999 to March 2003[1]

NATURE OF INVOLVEMENT	NUMBER OF CHILDREN/YOUTH				
	March 1999	March 2000	March 2001	March 2002	March 2003
Apprehended, Matter before Courts	791	789	692	737	622
Section 9: Voluntary Agreements	727	881	826	750	773
Temporary: One year or less	162	184	187	163	236
Permanent: Until age of majority	510	442	429	391	363
Long-term care orders:	446	587	705	814	854
Section 56: Agreement for service to previous ward 18 to 21 years, so that education may continue.	74	64	67	84	99
Total in Care	2,710	2947	2906	2939	2947
16/17 Year-Old Program[2]	320	293	313	364	362
Total Children in Care under *The Child and Family Services Act*[3]	3,030	3240	3219	3303	3309
Total Children in Care under *The Child and Family Services Act*[3] under the Authority of FNCFS agencies	N/A	N/A	N/A	1042	1082
Total Children in Care under DCRE and FNCFS agencies				4345	4391

Note 1: Excludes children in care of the Community Living Division

Note 2: Includes only those youth in this program under a Section 10 agreement. Services for 16 and 17 year-olds became a separate program in 1995-96. It combines child welfare, youth services and income support for youth and provides a single entry point for services. Because it was a new program, tracking systems were in development. There was initial reporting of the youth being served in 1996, incomplete reporting in 1997, then full reporting from 1998 onward.

Note 3: The total children in care under *The Child and Family Services Act* does not include children brought into care by FNCFS agencies.

Sources: Community Resources & Employment, personal communication, February 12, 2004); Saskatchewan Social Services , personal communication, February 12, 2003); Saskatchewan Social Services, personal communication, February 13, 2003); and Saskatchewan Social Services, March, 1999). Quarterly Statistical Reports. Regina: Author; Indian and Northern Affairs, personal communication, January 23, 2004).

Community Advocacy

In addition to the specific systemic issues files, the CAO also identified a set of issues and activities that we define as Community Advocacy. These community-based advocacy issues regarding the well-being of children emerged in our Office through a variety of channels.

The CAO is committed to staying informed on these matters and, where appropriate, raising awareness of the issue among children, youth and adults. For children's well-being, interests and rights to be appreciated, they must be understood. Producing and disseminating information about children's well-being and children's rights, explaining how those rights can be enforced, why those rights are important and the responsibilities we have to respect rights is an important function of the CAO. The CAO regularly participates in events or meetings which we believe will further the well-being, interests and rights of Saskatchewan children.

Community Advocacy

Fetal Alcohol Spectrum Disorder

Fetal Alcohol Spectrum Disorder (FASD) is an umbrella term used to refer to a range of disabilities caused by alcohol consumption during pregnancy. The implications for those children of Saskatchewan who are afflicted with Fetal Alcohol Spectrum Disorder (FASD) appear to be profoundly discouraging. The challenge is staggering for parents, families, communities and government, who all have a role to play in addressing the many difficulties that are manifested as a result of this disability. The daily issues challenge both non-formal and formal helping systems, and cut across the many government sectors that children are involved with on a daily basis.

The damage is permanent. Most children with FAS will never be financially or socially self-sufficient. They are also more likely to be in foster care, require special education, drop out of school early, develop substance abuse disorders and mental health problems, have trouble with the law, and experience joblessness and homelessness.

(The Children's Commission of British Columbia, 2001)

...much can be done in the way of prevention, early diagnosis and interventions (for those with FAS/FAE), such as schooling, socializing and living arrangements. This would minimize the secondary disabilities that accompany FAS/FAE. The cost saving that would result, to the criminal justice system alone, may well justify taking such action. The human cost of failing to take such action can never be justified.

(Conry, J. & Fast, D., 2000)

There is little doubt those working in the youth justice system have a heightened awareness of cognitive issues such as FAS/FAE. We see evidence every day that lawyers, youth workers, and judges are considering whether youths within the system are affected by such impairment. But regardless of this laudable increase in knowledge, options and help for these young people appear scarce. We still see such children and youth in our courts and jails on a daily basis. Why aren't these young people in the care of child protection or mental health professionals? Why are they squarely within the confines of the youth justice system?

(Green, R. and Healy, K., 2003)

The CAO has received complaints from individuals calling for assistance in obtaining services from government on behalf of children with FASD. Parents and foster parents have called because they are barely able to cope with the demands of caring for them. Judges and lawyers representing youth in conflict with the law have called to request assistance in obtaining services for youth. Recently, a few youth have been found unfit to stand trial and services have not been available to them or their families in order to help manage their circumstances in the community.

In 2001, the CAO and the Chief Commissioner of the Saskatchewan Human Rights Commission were assured by Saskatchewan Health, as chair of the Inter-Departmental Committee on FASD, that a community action plan would be developed in the fall or winter of 2002/03. This report has not yet been completed.

To date, the CAO and the Human Rights Commission have not received any further information regarding a proposed FASD Framework for Action from the provincial government. The CAO continues to receive complaints regarding the lack of services that are required to assist children and families deal with this disability. The CAO continues to respond to individual concerns that are raised with the office. The larger issue of progress by government is being considered for review on a systemic level.

Section 43 — The Spanking Law[1,2]

On January 30, 2004, the Supreme Court of Canada ruled that section 43 of the Criminal Code of Canada, which permits the use of "force by way of correction toward a pupil or a child", is constitutional. The CAO was extremely disappointed with the ruling.

Child Advocates from across Canada, including the Saskatchewan CAO, and the Commission des droits de la personne et des droits de la jeunesse were granted intervener status in the Supreme Court case in April 2003. The Commission put forward the case that the defence provided by the Criminal Code constituted an infringement of children's rights, and more specifically their rights to security, equality and dignity. It also suggested that the defence failed to respect the principles of the *Convention on the Rights of the Child*, which specifies that all decisions made in respect of a child should be based on the child's best interests.

The six-to-three majority opinion of the Supreme Court rejected these arguments. The Court stated that a defence based on the right of a parent or teacher to use reasonable force by way of correction did not contravene either the right of children to security, as defined in section 7 of the Canadian Charter, or their right to equality. With respect to the Convention, the Court pointed out that the criterion of a child's best interests, although of paramount importance, does not constitute a foundational requirement for the dispensation of justice, and may be subordinated to other concerns.

The conclusion of the Supreme Court is that the defence offered by section 43 is valid and ensures respect for the fundamental rights of children. In order to reach this conclusion, however, the Court saw the need to, in a sense, "re-write" section 43 by setting limits on its application. The majority decision restricts the scope of section 43: the defence provided for parents and teachers is admissible only if the use of force results neither in bodily harm nor in the prospect of bodily harm. It exempts from criminal sanction "only minor corrective force of a transitory and trifling nature." The judgment establishes that corporal punishment of children under two years of age, teenagers, and punishment using objects such as rulers or belts, or that involves slaps or blows to the head, is unreasonable within the meaning of section 43.

However, even these restrictions raise concerns as, in themselves, they could be considered arbitrary. For example, why set the limit at two years of age, and not two years and one month? Do all children reach the same developmental stage at the same age? When do children become teenagers? How is it possible to state that moderate corporal punishment can be administered without risk of harm to a child over the age of two, but who is not yet a teenager, while stating that the same punishment administered to a teenager creates a risk that makes the punishment unreasonable?

In addition, these limits are not specifically stated either in the legislative text or in judgments handed down by the courts. History reveals many instances in Canadian law in which caregivers, whose behaviour under normal standards of behaviour would be considered abusive, have used section 43 as defence for their actions. The CAO believes that this ruling will not change these circumstances.

Note 1: Although the Supreme Court Ruling on Section 43 occured in early 2004, the CAO is reporting on the issue in this report due to the timeliness of the issue.
Note 2: Information adapted from the Article "Spanking" by the Commission des droits de la personne et des droits de la jeunesse, Montreal, Quebec.

Although the court ruled that section 43 "sets real boundaries", the minority opinion of Justice Arbour challenged this view. Justice Arbour noted that the interpretation given to section 43 in the majority opinion reflects neither the text of the section nor the applicable case law, stressing that the new restrictions introduced by the judgment in themselves tend to show that the "reasonable force" defence, as it stands, does not meet constitutional requirements.

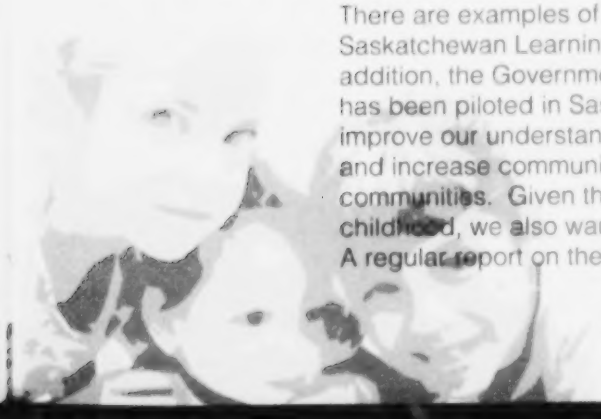
However, one key element in the Court decision is of more concern to child advocates. This is the belief that the deliberate infliction of pain and humiliation on a child is not only acceptable, but educational. This belief raises concerns about the protection of the equality rights, and the right to dignity, of the most vulnerable members of society. Corporal punishment, even when moderate, involves the imposition of pain and discomfort and, as a result, humiliation, for the purpose of "correction." A re-affirmation of the constitutional validity of the section 43 defence endorses the use of fear as an educational technique and behaviour-control tool. The use of physical force with the intention of causing a child to experience pain and humiliation, but not injury, has been shown to be damaging to children. The use of force to correct or discipline children perpetuates aggressive behaviors, including aggressive parenting practices, from one generation to the next. This has the potential to form a pretext for abuse of children.

Section 43 makes children the only group of citizens who can legally be assaulted for a reason unrelated to self-protection or the protection of others. The CAO supports the opinion of the three dissenting judges who felt the law was vague. While the judicial debate is over, the CAO will continue to ensure that the underlying questions are examined in a society-wide debate. In May 2003, the CAO, the Faculty of Social Work, University of Regina and the Faculty of Law, University of Saskatchewan hosted a one-day symposium, *The Current State of Corporal Punishment*. A follow-up workshop is planned for 2004. This issue is too fundamental to consider the matter closed.

Measuring Child Well-Being

Saskatchewan still does not have a comprehensive set of child well-being indicators or even a baseline from which to measure well-being in a broader context. There is a need to demonstrate the effectiveness of any measures taken to improve the well-being of our children. The current reporting frameworks and indicators are not complete and do not incorporate some of today's social issues. The need for a comprehensive and meaningful set of indicators of child well-being which are regularly monitored and publicly reported has been repeated identified by the CAO as well others in Saskatchewan (such as the Interdepartmental Child Action Plan Steering Committee). While there is agreement that a data-set such as this, with regular, public reports, would indeed be useful, there is difficulty in determining a framework model within which to report the data.

There are examples of indicator reporting that appear to be very useful. Of note, Saskatchewan Learning publishes a set of education indicators each year. In addition, the Government of Canada, Understanding the Early Year Project, which has been piloted in Saskatchewan in Prince Albert and Saskatoon, is working to improve our understanding of the factors that help or hinder child development and increase community tracking of how well children are developing in individual communities. Given that Saskatchewan is making increased investments in early childhood, we also want to know that positive change is occurring for our children. A regular report on the state of Saskatchewan's children would be helpful!



On January 30, 2004, the Supreme Court of Canada ruled that section 43 of the Criminal Code of Canada, which permits the use of "force by way of correction toward a pupil or a child", is constitutional. The CAO was extremely disappointed with the ruling.

Child Advocates from across Canada, including the Saskatchewan CAO, and the Commission des droits de la personne et des droits de la jeunesse were granted intervener status in the Supreme Court case in April 2003. The Commission put forward the case that the defence provided by the Criminal Code constituted an infringement of children's rights, and more specifically, their rights to security, equality and dignity. It also suggested that the defence failed to respect the principles of the *Convention on the Rights of the Child*, which specifies that all decisions made in respect of a child should be based on the child's best interests.

The six-to-three majority portion of the Supreme Court rejected these arguments. The Court stated that a defence based on the right of a parent or teacher to use reasonable force by way of correction did not contravene either the right of children to security, as defined in section 7 of the Canadian Charter, or their right to equality. With respect to the Convention, the Court pointed out that the criterion of a child's best interests, although of paramount importance, does not constitute a foundational requirement for the dispensation of justice, and may be subordinated to other concerns.

The conclusion of the Supreme Court is that the defence offered by section 43 is valid and ensures respect for the fundamental rights of children. In order to reach this conclusion, however, the Court saw the need to, in a sense, re-write section 43 by setting limits on its application. The majority decision restricts the scope of section 43: "the defence provided for parents and teachers is admissible only if the use of force results neither in bodily harm, nor in the prospect of bodily harm. It exempts from criminal sanction 'only minor corrective force of a transitory and trifling nature.' The judgment establishes that corporal punishment of children under two years of age, teenagers, and punishment using objects such as rulers or belts, or that involves slaps or blows to the head, is unreasonable within the meaning of section 43.

However, even these restrictions raise concerns as, in themselves, they could be considered arbitrary. For example, why set the limit at two years of age, and not two years and one month? Do all children reach the same developmental stage at the same age? When do children become teenagers? How is it possible to state that moderate corporal punishment can be administered without risk of harm to a child over the age of two, but who is not yet a teenager, while saying that the same punishment administered to a teenager creates a risk that makes the punishment unreasonable?

In addition, these limits are not specifically stated either in the legislative text or in judgments handed down by the courts. History supplies many instances in Canadian law in which caregivers, whose behaviour under normal standards of behaviour would be considered abusive, have used section 43 as defence for their actions. The CAO believes that this ruling will not change these circumstances.

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Administration

In an effort to maintain excellence in management and decision-making, the CAO developed a multi-year strategic plan during 2001 that incorporated financial, human resources, information technology, capital and communications planning. The goals, objectives and strategies of the plan are outlined below.

Goals	Objectives	Strategies
Respect for the Rights and Dignity of Children	a) Increase accessibility to the Children's Advocate Office for children and youth.	i) Enhance awareness of the Children's Advocate Office and improve service delivery.
	b) Create public education opportunities about the Children's Advocate Office for children, government employees, and community members.	i) Clarify the key audience for the priority actions of the Children's Advocate Office and develop communications learning tools dependent on resources and audience. ii) Promote community-based advocacy training. iii) Provide public education through age-appropriate, rights based resources and information.
	c) Increase inclusion of First Nations and Metis Nation People in advocacy activities.	i) Actively promote child advocacy and children's rights with First Nations and Metis Nation children, families, and organizations.
	d) Expand advocacy services in northern and far northern Saskatchewan	i) Allocate adequate and appropriate staff and other resources to northern advocacy work.
	e) Conduct thorough, comprehensive reviews of child deaths.	i) Conduct child death reviews in a timely and comprehensive manner. ii) Complete child death reviews in a manner that is consistent with nationally recognized, best practice standards.
Systemic Change to Improve the Interests and Well-Being of Children	a) Identify key systemic issues, Children's Advocate Office actions, and measurable outcomes for each issue.	i) Assess change progress regarding identified systemic issues. ii) Provide opportunities and support for youth/adult partnership in the systemic advocacy work of the Children's Advocate Office. iii) Participate in national networks promoting respect for children's rights.
Deliver Quality Services	a) Strategic planning, budgeting and decision-making.	i) Develop an Office Strategic Plan and ensure decisions are based on the strategic goals. ii) Allocate office resources based on Office strategic goals and objectives.
	b) Create and maintain a respectful and fair organizational culture.	i) Ensure that the practices and policies of the Office are consistent with the values and principles of the Children's Advocate Office.
	c) Improve advocacy services through continuous evaluation and assessment.	i) Evaluate advocacy services, programs, community responses, outcomes and future priorities.

Children's Advocate Budget

	2001-2002	2002-2003	2003-2004
Personal Services	809,000	821,000	906,000
Contractual Services	150,233	153,000	147,000
Advertising, Printing & Publishing	33,203	26,000	35,000
Travel & Business	118,864	107,000	109,000
Supplies & Services	6,700	11,000	7,000
Capital Assets	0	0	3,000
Special Warrant	44,000	0	0
TOTAL	$ 1,162,000	$1,118,000	$1,207,000

Appendix A –

Presentations by the Children's Advocate Office

Conferences, Public Consultations and Annual Meeting

- *AWASIS*, Saskatoon
- *Best Start Saskatchewan Conference*, Saskatchewan Institute on Prevention of Handicaps, Saskatoon
- *Head, Heart & Feet 2003 Conference*, Centre of Excellence on Youth Engagement, Ottawa
- *Dialogue on Canada's National Plan of Action for Children*, Health Canada HRD, Winnipeg
- *Mortality Check - Coroner's Inquests As A Tool for Social Justice Seminar*, John Howard Society of Canada, Toronto
- *Northern Human Services Partnership Conference*, Saskatchewan Learning, Prince Albert
- *Partners in Education School Fair*, Souris School, Weyburn
- *Rethinking Developmental Approaches to First Nations Child and Family Services*, National Therapeutic Care Conference 2003, Saskatoon
- Saskatchewan League of Educational Administrators, Directors and Superintendents (Executive Meeting), Saskatoon
- Sexual Assault Awareness Week, Saskatoon Communities for Children, Saskatoon
- *South Bay Youth Conference*, Ile-a-la-Crosse
- *The Current State of Corporal Punishment*, CAO; Faculty of Social Work, U of R; Faculty of Law, U of S, Saskatoon
- *Understanding Change - Justice Issues and Public Policy in Saskatchewan Symposium*, University of Regina Saskatchewan Institute of Public Policy, Regina
- *Valuing Our Future Symposium*, STOPS to Violence, Regina
- Youth Resource Fair, CRU Teen Wellness Centre (Estey School), Saskatoon

Community Groups and Agencies

- City of Saskatoon, Recreation and Leisure, City Hall
- City of Saskatoon, Recreation Community Development Branch, Cosmo Civic Centre
- Crisis Nursery, Saskatoon
- EGADZ Youth Centre, Saskatoon
- Friendship Centre, Ile-a-la-Crosse
- Prince Albert Grand Council
- Salvation Army, Bethany Home, Saskatoon
- Saskatchewan Foster Families Association, Regina
- Saskatchewan Teachers' Federation, Saskatoon
- Saskatoon Catholic Schools, Opening Doors School Program
- Saskatoon Tribal Council Safe House
- YWCA Crisis Shelter, Saskatoon

Youth

- Four Directions Stabilization and Assessment Centre, Muskowekwan First Nation, Lestock
- Nisbet Youth Centre, Prince Albert
- North Battleford Youth Centre
- Orcadia Youth Residence, Yorkton
- Pelican Lake Group Home, Agency Chiefs Indian Child and Family Services, Chitek Lake
- Pi-Kiwek Treatment Group Home, Cote First Nation, Kamsack
- Prince Albert Youth Residence
- Rainbow Youth Centre, Regina
- Saskatchewan Youth in Care and Custody Network, Regina
- Saskatoon Adolescent Treatment Group Home
- Witicizon Treatment Group Home, Keeseekoose First Nation, Pelly

Post-Secondary Education Students

- Department of Psychology, University of Saskatchewan, Saskatoon
- Faculty of Social Work, University of Regina, Saskatoon
- Early Childhood Education Department, SIAST, Kelsey Campus, Saskatoon

Government Departments or Agencies (including meetings)

- Family Support Centre, Saskatchewan Community Resources and Employment, Saskatoon
- Saskatchewan Community Resources and Employment, Regional and Service Centre Offices
  - Buffalo Narrows
  - Estevan
  - Fort Qu'appelle
  - La Loche
  - La Ronge
  - Lloydminster
  - Meadow Lake
  - Melfort
  - Moose Jaw
  - Nipawin
  - North Battleford
  - Prince Albert
  - Swift Current
  - Weyburn
  - Wynyard
  - Yorkton
- Saskatchewan Corrections and Public Safety
  - Fort Qu'Appelle
  - Meadow Lake
  - Regina
- Saskatchewan Health, Mental Health Services
  - La Ronge
  - Prince Albert
- Saskatchewan Learning, La Ronge
- Saskatchewan Legislative Assembly, MLAs, Regina
- Saskatchewan Legislative Assembly, Internship Program, Regina

First Nations Child and Family Service Agencies

- Agency Chiefs Child and Family Services, Spiritwood
- Athabasca Denesuline Child and Family Services, Stoney Rapids
- Battleford Tribal Council Human Services Corp. -Indian Child and Family Services, North Battleford
- Kanaweyhimitowin Child and Family Services Inc. (Beardy's and Okemasis), Duck Lake
- Kanaweyimik Child and Family Services, Battleford
- Lac LaRonge Indian Child and Family Services, LaRonge
- Meadow Lake Tribal Council Child and Family Services
- Onion Lake Family Services
- Nehiyaw Awasis Siceca Cistinna (Sturgeon Lake and Wahpeton) Child and Family Services
- Nicapanak Child and Family Services, Pakwa Lake
- Peter Ballantyne Child and Family Services Inc., Prince Albert
- Touchwood Child and Family Services, Punnichy
- Yorkton Tribal Council Child and Family Services

Staff

as at December 2003 (CA plus 12.15 FTE's)

Glenda Cooney, Deputy Children's Advocate

John Brand, Director of Advocacy Services
Marcel St. Onge, Advocate
Shaun Soonias, Advocate
Elaine Thomas, Advocate
Rhonda Johannson, Advocate, Intake

Connie Braun, Advocate, CDR (Term)
Vanesa Climenhaga, Advocate, CDR
Roxane Schury, Advocate, CDR

Sharon Chapman, Director of Communications
Amanda Doucette, Youth Co-ordinator (Contract)

Bernie Rodier, Director of Administration
Sandi Elliott, Administrative Assistant
Penny Fairburn, Administrative Assistant
Caroline Sookocheff, Executive Administrative Assistant

Gordon Mayer, General Counsel
(Provincial Ombudsman & Children's Advocate)

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